

RELIGIOUS & QUASI RELIGIOUS DEPARTMENTS OF THE MUGHALS

1556 - 1707

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ARGUMENT

It was Sir J.N. Sarkar who first propounded the theory that out of the eight administrative departments of the Mughals three were religious in nature. Starting from this basic postulate he came to the conclusion that the Mughal State was a theocracy. This theory led other historians to over-emphasise the influence of the so-called religious departments - Sadarat, Qada and Intisab - on the general spirit and working of the administration. Since most of the assessments were based on mere assumptions, a detailed study of the working of these departments in the light of the contemporary literature seemed a great desideratum in our historical studies. This work is an humble attempt to fill this gap in the study of the Mughal administrative system.

The present study deals with the following main themes:

- I. The Diwan-us-Sadarat : Nature, Scope and Functions.
- II. The Department of Religious Affairs : Endowment and Charities.
- III. The Diwan-i-Qada : Organization, Significance and Working.
- IV. Nature and Administration of the Penal Law.
- V. The Diwan-i-Intisab : Nature, Scope and Functions.
- VI. Resume and Conclusion.

A critical study of the available source material has led to the following results:

1. The institutions which in the early days of Islam were religious in nature had lost their original character under various influences even before the foundation of Muslim state in India. The Mughals modified the administrative structure in the light of the experiments of their predecessors and harmonised the religious institutions with their policy of peace with all. To achieve this purpose, the Mughals, not only curtailed the power and authority of the one-time religious institutions but also changed their nature.

The Diwan-us-Sadarat which dealt with all the religious affairs of the Muslims was gradually deprived of its extensive religious functions with reference to the Muslims and was left with the disbursement of the royal charities and Wadad-i-Ma'ash. The revenue grants (Wadad-i-Ma'ash) which upto then were the sole monopoly of the Muslim theologians, scholars and needy people came to be distributed to all, irrespective of religious considerations. The state endowed schools were opened to Muslims and non-Muslims alike.

2. The Diwan-i-Qada which functioned under the Sadr-us-Sudur during the Sultanate period became a separate institution under the headship of Qadi-ul-Qudat. The jurisdiction of the Qadi was confined by the ever-increasing application of the state laws and the decision of the revenue and criminal cases by the Diwan, Subahdar and other executive authorities. The

Hindu law came to be administered by the Pandits. The Panchayats continued to decide cases in their respective localities. The Qadis mostly decided the cases in which the Muslim law was involved.

3. The Divan-i-Ihtisab which had earlier performed the duties of both religious and secular nature, lost its significance by the appointment of the Kotwal who shared some of his responsibilities. Besides, for the greater part of the Mughal period the department of Ihtisab remained an almost insignificant department as Akbar founded a catholic administration in which people were given complete freedom of conscience. The policy of toleration and Sulh-i-Kul ended religious censorship and a great portion of the duties of the Mukhtasib was suspended. The only period during which this department worked actively was during the reign of Aurangzeb but even at that time it had no influence on the policy of the administration as such.

It was in consonance with the broad-based and tolerant policy of the Mughals that the nature of the religious institutions was changed. The benevolent and secular nature of their administration and policy demanded that every institution should work in harmony with its catholic spirit, and cater to the need of all - and not a privileged section its subjects.

The nature of the subject and the period it covers necessitated the study of a very large number of books of a varied nature books on Islamic and political institutions and theory, Contemporary Persian chronicles, Collection of letters (Insha), reports of the Wazir, Nisara, Dastur-ul-Amala, biographies, documents of various types, etc. A detailed list of books on which this study is based is given in Appendix B.

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P R E F A C E

The political institutions of the Mughals have attracted considerable attention in recent years; but a study of the so called religious institutions has remained a desideratum. The present dissertation is an humble attempt to fill this gap in our historical studies.

In a government whose successive heads were hailed as the defenders of faith, and who themselves claimed to be the protectors of their religion and acknowledged their penal law to be Islamic, it was but natural that there should be some institutions to fulfil these declarations. In the Muslim states, the departments headed by the faqir, the qadi and the Muhtasib had been performing the functions of semi-religious nature. Even in India, before the advent of the Mughals, the hisba, the judiciary and the department of religious affairs had performed duties pertaining to the affairs of Muslims. The Mughals maintained the three departments but with a definite change in their character.

No detailed contemporary account of the religious institutions concerned is available, brief account and scattered reference to them are found in the various sources available. No attempt has so far been made to prepare a detailed account of the actual working of these departments. Even the modern writers on political institutions and administrative structure

of the Mughal Empire have given only brief sketches of one or other of them.

Sir Jadu Nath Sarkar has discussed the administrative machinery of the period under eight heads and designated three of them, sadarat, qada and intizab, as religious in his work, the Mughal Administration. But Sir Jadu Nath has tackled these departments in brief, so it is not easy to form any true idea of these institutions and their scope and functions.

In his "Mughal Government and Administration," Sri Ram Sharma has also dealt with the departments concerned. But he has done scant justice to these institutions. Written with pre-conceived ideas, it was natural that the account should be biased, and so far from reality.

of

The Provincial Government of the Mughals/Dr. Saran deals with the judiciary at great length. He has also taken up the sadarat and intizab for discussion. His work is copious and full of repetition. But for the writer of any aspect of the Mughal institutions the study of his work is unavoidable and helpful, especially for their working in the provinces.

Mr. H.B. Ahmad's detailed work on the 'Administration of Justice in Medieval India' also includes the Mughal period. His book provides useful basis for any study of the Mughal Judiciary and its working; but he has presented the Mughal law

courts as a true replica of our modern ones. He has even provided terms synonymous to those used in our own courts. For all that, his work is very useful for the judicial administration of the period covered in the book.

Ibn Hasan, in his book the Central Structure of the Mughal Empire has discussed the two religious departments - the Sadarat and the Judiciary - in a very analytical manner. His approach is open minded and conclusions based on deliberation. Unfortunately, he has left out the period covered by the reign of Aurangzeb and did not discuss the role of the Itisab department in the Mughal government.

Beside books on administrative institutions other works also refer to the departments concerned. In a chapter on "Revenue Grants" of his book The Istarian System of Mughal India Dr. Irfan Habib has made a very critical study of the Madad-i-Ma'ash holdings and their management. Ibn Hasan's chapter, The Sadr and Irfan Habib's Revenue Grants are the two best studies of a single institution, Sadarat. Another interesting and valuable contribution is Dr. Noman Ahmad Siddiqi's chapter on Madad-i-Ma'ash in his still unpublished thesis.

The only institution of our interest about which very little is written is the Itisab. Except what Barker wrote in his Mughal Administration and History of Aurangzeb and

Sri Ram Sharma mentioned in his Mughal Government and Administration or Dr. Jamir Uddin Siddiqi wrote in his article on the role of Mubtasib under Aurangzeb, very slight interest was shown to a government organ which achieved very little.

All these works put together furnish us a firm base for our studies and expectations of a good harvest as the source material is rich and varied. But the need of a detailed study of the institutions remains. The modern writer who have written on them have either been negligent in utilising the contemporary documents or they started their work with preconceived ideas and prejudiced mind. It was but natural that their conclusions should be wide of the mark and the estimate of their achievements and aims wrong and biased.

This dissertation is an attempt to prepare a compact study of the three allied institutions of the Diwan-us-Sadarat, Qada and Ishtisab. The nature of the institutions necessitated the study of the works on Islamic and Indian political institutions and theory. Beside these I have made extensive use of the information gleaned from the Persian chronicles of the period, letters of contemporary people, original documents (preserved in different archives of India, published and unpublished both), Dastur-ul-'Amal such as Dastur-ul-'Amal-i-'Alamgiri, Dastur-ul-'Amal-i-Shah Jahani, etc. biographies and accounts of foreign travellers. I have tried to be objective in my studies and to base my conclusion on sound evidence.

I take this opportunity to thank all my friends and colleagues from whose help I have benefitted. My thanks are due to Professor S.A. Rashid, who encouraged me to take up research work. I am more than conscious of and grateful to Professor K.A. Mizami, my Supervisor, for his constant guidance during my work. He has never been sparing of his time and attention during my work. I am deeply indebted to Professor S. Nurul Hasan for providing facilities for the work and for his ungrudging help and guidance. I acknowledged the kindness of Miss Aziza Hasan and of Miss Farida Khan (Department of English) for going through the type-script.

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ABBREVIATIONS USED

- | | |
|---------------------------|--|
| 1. 'Afif | ... Tarikh-i-Firoz Shahi |
| 2. A'in | ... A'in-i-Akbari |
| 3. Arnold | ... Caliphate |
| 4. Aziz Ahmad | ... Early Turkish Empire of Delhi |
| 5. Bada'uni | ... Muntakhab-ut-Tawarikh |
| 6. Bernier | ... Travels in the Mughul Empire |
| 7. Creri | ... A Voyage round the World |
| 8. Chandra Bhan | ... Qawa'id-i-Sultanat-i-Shah Jahani |
| 9. Della Vale | ... Travels of Pietro Della Vale |
| 10. Elliot & Dowson | ... A History of India as told by
its own Historian |
| 11. Habibullah | ... Foundation of Muslim Rule in
India |
| 12. History of Shah Jahan | ... History of Shah Jahan of Delhi |
| 13. Institutes | ... Institutes of Timur |
| 14. Iqbal Nama | ... Iqbal Nama-i-Jahangiri |
| 15. Irvine | ... Army of the Indian Moghuls |
| 16. Lahori | ... Badshah Nama |
| 17. MacLagan | ... The Jesuits and the Great Moghuls |
| 18. Mir'at | ... Mir'at-i-Ahmadi |
| 19. Monserrate | ... Commentary |
| 20. Nigar Nama | ... Nigar Nama-i-Munshi |
| 21. Sharma | ... Mughal Government and Administra-
tion |
| 22. Sirhindi | ... Akbar Nama |
| 23. Selected Waqai' | ... Selected Waqai' of the Deccan |

24.	S.D.S.R.	... Selected Documents of Shah Jahan's Reign
25.	S.D.A.R.	... Selected Documents of Aurangzeb's Reign
26.	Saran	... Provincial Government of the Mughals
27.	Tavernier	... Travels in India
28.	Tabaqat	... Tabaqat-i-Akbari
29.	Tuzuk	... Tuzuk-i-Jahangiri
30.	Waqai Sarkar Ajmer	... Waqai' Sarkar Ajmer O Hanthumchor
31.	K.S.Lal	... History of the Khaljis
32.	Khawafi Khan	... Muntakhab-ul-Lubab
33.	Ibn Hasan	... The Central Structure of the Mughal Empire
34.	OCM	... Oriental College Magazine
35.	Qureshi	... Administration of the Sultanate of Delhi
36.	MIQ	... Medieval Indian Quarterly
37.	Religion and Politics...	Religion and Politics in the Thirteenth century
38.	Ibn Khaldun	... Muqaddama

INTRODUCTION

The Mughal administrative structure, its religious and quasi-religious departments, as well as its system of endowment, taxation and revenue organization was moulded by Indian and extra-Indian forces. The extra-Indian element which played an important part in the development of these institutions was varied and included the Islamic, Persian and Mughal political ideals, theories and traditions. Some of the Mughal institutions were surely Islamic but they were modified and changed in the Indian milieu. ^{In} some cases the Islamic structure and names of institutions were retained, as was the case with the shada and shadarat, but they were materially changed in Indian setting; others were definitely Indian but were affected by and developed under foreign influence. The Mughal ideal of kingship was essentially Indian but smacked of Persian influence. The Mughals had also inherited laws and institutions from their Chaghtai and Mongol ancestors which later became a part of their governmental superstructure. To understand these various factors, and the part played by them in the evolution of the Mughal administration and religious institutions, it is essential to trace their background from the very beginning of the Islamic political theory and organization and their gradual association and amalgamation with the Persian, Mughal and Indian political ideals and institutions.

- X -

The death of the Prophet Muhammad was a challenge to the permanence of the principles which he had preached, the unity which he had engendered in the Arab tribal organisation and the political machinery which he had evolved. He had nominated no successor; so his faithful followers elected Abu Bakr and the people were asked to swear allegiance to him, which they did willingly. The practice of electing the caliph was maintained — though in different forms — in the case of first four caliphs - Abu Bakr, 'Umar, 'Uthman and 'Ali. The caliphate was always considered an elective office by the Sunni legists, though after the Pious Caliphs this election was nothing more than a mere formality and the nominee of the late caliph was almost automatically elevated to the office.

When the Umayyads came to power in 661 and the capital of Khalifat shifted from Medina to Damascus, the political spirit of Islam underwent a great change and political considerations dominated the religious spirit. The principle of heredity was established and the Bait-ul-Kal, which was the common property of the Muslim community, was utilised for the benefit of the ruling family. When the Umayyad dynasty came to an end, the Islamic Empire stretched from India to the borders of China in the east, and to the shores of the Atlantic and the North Africa in the west. In view of the extent of the area under the Umayyad control and the difficulties of communication with the far-flung parts, basic changes in the structure and spirit of

Muslim political institutions of the Empire which had been developed so far, were inevitable.

An era of consolidation began with the rise of the 'Abbasids. With Persian converts wielding ever-increasing authority, the capital of the Khalifat came to be transferred, first to Mesopotamia, and later to Baghdad (762). To emphasise the religious nature of their positions the 'Abbasid Caliphs, in contrast to the Umayyads whose symbols were the sceptre and the seal, adopted the mantle of the Prophet as the mark of their office.¹ Further they showed their interest in their religion by upholding it themselves and ordering their officers to do so. By showing a marked preference for the 'Ulama and the theologians and encouraging all branches of Islamic learning the 'Abbasids engendered a respect for this class and gave impetus to religious learning.

After the death of the Prophet, question arose for some official designation for Abu Bakr. He adopted the title of Khalifa-i-Rasul Allah (successor to the Apostle of God).² The Caliph 'Umar, who was at the out-set of his reign styled 'Khalifa of the Khalifa of the Apostle of God, later adopted

1. Arnold, p. 27.

2. Ibid., p. 28.

the title of Amir-ul-Muminin (commander of the Faithful).¹
After 'Umar this title was adopted by his successors. But
with the emphasis on religious considerations the Caliph came
to be known as Imam under the Abbasids.²

The three titles - Khalifa, Amir-ul-Muminin and the Imam
described the same personage. The title Khalifa emphasised
his relationship to the founder of the faith, on which his
claim for the obedience of the faithfuls was based; the title
Amir-ul-Muminin indicated his headship of the civil adminis-
tration and of war machinery, emphasising the secular aspect
of his authority; the title Imam was a pointer to the religious
functions of the head of the state and indicated his position
in the religious order.³

The Imam, infact, is associated with the congregational
prayer in Islam wherein he acts as the leader of his core-
ligionists. Muhammad acted as Imam during his ten years stay
at Medina. After Muhammad the Caliphs performed this duty
which came to signify their leadership generally. With this
public office was associated an institution of significance for
the Caliphate, the Minbar, a seat, upon which the judge used to

1. Arnold, p. 31.

2. Ibid., p. 23.

3. Ibid., p. 39-41.

sit in the early 'Arab society to deliver his judgements. During the life-time of the Prophet the mosque was the centre of social and political life of the community. The association of the Minbar as the seat of authority of the ruler continued after the Prophet.¹

The Minbar has been associated with the Khutba — an address delivered to the congregation — on the occasions of public prayers on Fridays and the two 'Eids. The Khutba which had often been a political pronouncement under Prophet, gradually lost its original significance and became a sermon by the Imam. But the importance of Khutba continued in so far as the name of the reigning sovereign was always included in it.²

After the establishment of the Caliphate, Muslim Jurist began to attempt some sort of justification for the titles used by the Caliphs. They sought support for the theory of Khilafat in the verses of the Qur'an. In several verses the man has been called the successor or the Khalifa, but since they referred to mankind in general no recourse to them in the context was possible. But in two verses in which there occurred individual references to distinguished persons like

1. Arnold, pp. 24-26.

2. Ibid., pp. 27-28.

Adam and David were found helpful.¹ Help was also taken from the traditions of the Prophet and a political theory was enunciated which implied divine appointment of political authority, and enjoined upon the people to obey the rulers, be they just or unjust, for it was for God alone to punish the unjust ruler and reward the righteous one.²

The despotism of a ruler or Caliph was curtailed by the fact that like other Muslims he was obliged to submit to the law of Islam (Shari'at). He was expected to bring the government in conformity with the dictates of the sacred law. In his capacity of a Mutahid, the Caliph could interpret the law in consonance with the problems of the time; but the Caliphs never assumed this role and by the time of the 'Abbasids, the Ulama had established themselves as the only authentic exponents of law.³

1. Of the two verses of the Qur'an referring to individual persons one is about Adam and the declaration of God to the angels about his creation: "When the Lord said to the angels, verily I am about to place on the earth a successor (Khalifa), they said wilt thou place there one who will make mischief therein and shed bloodshed?" (ii.28). In the other reference is to David: "O David, verily we have made thee a successor (Khalifa) in the land; then judge between men with truth, and follow not thy desires, lest they cause thee to err from the path of God." (xxviii).

2. Arnold, p. 48.

3. Arnold, pp. 53-4.

According to Hawardi the duties of the Caliph consisted of (a) the defence and maintenance of religion, (b) administration of justice, (c) punishment of the defaulters, (d) defence of the territories of Islam, (e) maintenance of troops for the protection of frontiers (f) the collection of taxes, (g) administration of the public treasury and (h) disbursement of the salaries of the officials.

With the decline of the 'Abbasid power, Minor Dynasties appeared in different parts of the Empire. The task of justifying their existence fell to the jurists. Al Ghazali thus states the situation : "We consider that the function of the Caliphate is contractually assumed by that person of the 'Abbasid house, who is charged with it, and that the function of the government in the various lands is carried out by means of Sultans, who owe allegiance to the Caliphate. Government in these days is a consequence solely of military power, and whosoever he may be to whom the possessor of military power gives his allegiance, that person is the Caliph."¹

Tracing the rise of monarchy in Islam Nizam-i-Arudi makes the kings the lieutenant (na'ib) of the Caliph and justifies their existence on account of the necessity of enforcing the

1. Ruy, II, p. 124 as cited by Gibb in Studies on the Civilization of Islam, pp. 148-9.

Shari'at laws in the far flung parts of the Caliphate. He assigns great powers to them in order to facilitate their work.¹ So the political theory rounds up with the king becoming the na'ib of the Imam, the Imam of the Prophet and the Prophet of God. Ibn Khaldun expresses the same view when he remarks : "Government and Kingship are a Caliphate of God amongst men, for the execution of his ordinances amongst them." But he recognised the worldly nature of the monarchy when he made a distinction in favour of Caliphate being the rule of righteous ruler who governs with justice and enforces the commandments of Shari'at.²

The functions of a religious nature which the Caliph or the Imam had to perform included the leadership of his congregation in prayers, administration of justice, and the appointment of Muftis and Muhtasibs.³

The leadership of the prayer was deemed to be the highest function of a Caliph. The mosques are of two kind : great one in which prayer is offered on the occasions of 'Eids and Fridays; small ones, restricted to some quarter of the city. Care of great mosques rested with the Caliph or

1. Nizami as cited by Arnold, p. 16

2. Ibn Khaldun, I, pp. 430, 448.

3. Ibid., p. 448.

other officers exercising delegated authority on behalf of the Caliph. An Imam is appointed to each mosque to lead the prayer. The early Caliphs of Islam did not delegate to anybody the leadership of the congregational prayer's as they considered it their exclusive privilege. Later on when the nature of royal authority with its quality of harshness and unequal treatment of the people in the religious and worldly affairs made itself felt, (the rulers) chose men to represent them as prayer leaders.¹

The office of the Mufti being of great importance to the Muslim community, it fell to the Caliph to examine the qualifications and competence of religious scholars and teachers before appointing them to this post. In the early days of Islam the Caliph performed the functions of the Judge himself. The first person to appoint ^{one} some / to discharge the function of a judge was Caliph 'Umar. He appointed different persons to various localities as judges and instructed them in the laws of their office. On appointing Abu Musa as judge of Kufah he wrote his famous letter that contains all the laws that govern the office of judge.²

Although the administration of justice was one of the chief duties of the Caliphs, they began to entrust it to

1. Nizami as cited by Arnold, pp. 449-51.

2. Ibn Khaldun, I, pp. 463-4.

others as their preoccupation in state matters grew. Initially entrusted with the task of settling disputes between litigants, in course of time other functions also, like the supervision of the property of insane persons, orphans, bankrupts, supervision of wills and heritage and the marrying of marriageable women without guardians to give them away, became a part of the duties of a judge.¹

Another religious institution of the Caliphate was Hishab.² This function emanated from the Quranic exhortation which enjoins those in authority "to command to do good and forbid to do evil." According to some ^{writers} Prophet Muhammad initiated it by his speech and action, and he is therefore considered the first Muhtasib of Islam. According to others the second Caliph, 'Umar, was the first to organise Intisab in Islam. It is well known that he used to take rounds of the general thoroughfare, whip in hand, and if anybody was found abusing the law pertaining to hishab, he punished him then and there without any consideration of his position.³

1. Ibn Khaldun, I, p. 455.

2. Ibn Khaldun, I, p. 452. Mr. Franz Rosenthal has translated Hishab as Market Supervision, Ibn Khaldun, I, pp. 452-3. Later writers have translated Muhtasib as Censor of public morals. In fact more functions than mere supervision of Markets or censorship of Public morals came under the jurisdiction of the Muhtasib.

3. Al Faruq, II, p. 216.

In the early years of Islam, the Caliph and men of position performed the functions of Ihtisab.¹ Gradually the Caliphs began to appoint qualified persons to hold the post. In course of time the Muhtasibs began to receive salary from the state and their post became a regular feature of the Muslim administrative system.²

From the very beginning, the duties performed by Muhtasib were of a mixed nature. Though essentially a religious officer, the Muhtasib supervised the market by checking and punishing fraud and deception in matters of food, weights and measures.³ He enforced the Islamic ethical code of 'commandments and prohibitions'.⁴ Some of his other duties included such functions as prohibiting the obstruction of roads, preventing porters and boatmen from carrying too heavy loads, ordering the pulling down of houses dangerous to the passers-by preventing the teachers from beating the students too much.⁵

Beside the functions of Justice and Ihtisab, Ibn Khaldun includes police duties in the category of religious

1. Ahkan-us-Sultania, p. 497.

2. Muhtasib-in-Islam, p. 23.

3. Ibn Khaldun, I, p. 462.

4. Suluk-ul-Mulk, ff. 46-48. Ahkan-us-Sultania, p. 498.

5. Ibn Khaldun, I, pp. 462-3.

functions. The post was held by an special officer, Sahib Ash-Shuriah. Ibn Khaldun states : "Its (police) field is somewhat wider than that of the office of judge. It makes it possible for the suspects to be brought into court. It decides upon preventive punishments before crimes have been committed. It imposes the punishments required by the religious law where they are due, and determines compensation in cases of bodily injury where the law of talion applies. It imposes punishments not provided for by the religious law, and provides corrective measures against those who did not execute the crimes (they planned)."¹

When the Caliphate was replaced by monarchy, the police functions were split into two parts. The execution of the punishment not provided for in religious law was entrusted to an officer who was sometimes known as Wali (governor) and sometimes Shuriah (police). The remaining functions dealing with the religious punishment were combined with the duties of Judge.² In India the post of Kotwal roughly corresponded to Sahib Ash-Shuriah.³ n

The duties of a mint officer which included such responsibilities as ensuring the purity and standard of coins

1. Ibn Khaldun, I, p. 467.

2. Ibn Khaldun, I, p. 467.

3. Qureshi, p. 172.

have been considered as religious functions by Ibn Khaldun. At one time it was a part of the duties of judge but later it became a separate office.

This was the brief history of the Caliphate and the evolution of the religious institutions. With the decline of 'Abbasid dynasty many new Muslim states came into existence. They tried to legalise their claims to sovereignty by showing allegiance to the nominal Caliphate of the 'Abbasids and after its extinction in 1258 to the Caliph at Cairo. But these new states were all independent and their show of subservience to the Caliphate was a mere formality.¹ The structure of government of these states was monarchical and so quite against the Islamic law. But the jurists were always prepared to interpret law according to the practice or vice versa,² if circumstances so demanded.

1. Ibn Khaldun, referring to the allegiance of the independent monarchs, states that they showed obedience to Caliph in order to enjoy the blessing of it, but the royal authority belonged to them with all its attributes, Ibn Khaldun, I p. 427.
2. The jurists before Al Mawardi closed their eyes to the existence of the new states who had established their authority by force. But he realised the situation too acutely as the 'Abbasid Caliphate was on decline and there was no hope of its revival. So it was essential to regulate the existing and future relationship of the Caliphate with such Sunni rulers as Sultan Mahmud of Ghazna. But the exposition of the situation was to be legal and not in conflict with the functions of the Caliph.

The concession to the ruler granted by the Caliph, according to Al Mawardi, should be on the conditions that he must uphold the dignity of the Caliphate and have no

When the character of the caliphate changed and the monarchy replaced it the religious functions also lost to some degree their connection with the controlling power.¹ The rulers came to entrust these functions to persons who were conversant with the Islamic law. The theologians — from whom came the jurists and the judges — were respected for their religious knowledge and learning, but there was a controversy about the extent of authority they could legitimately exercise in different matters in the royal council. Ibn Khaldun held that the nature of the civilization did not permit the exercise of authority by the scholars and jurists. Advisory and executive

(Continued from previous page xxi)

thought of insubordination; he must undertake to govern according to Shariat and to maintain the Faith by words and deeds. The Caliph on his part recognizes and authorizes the ruler, on the basis of friendship and mutual assistance (Gibb's discussion of Al Mawardi's theory of "Amirat by Saimeg") pp. 162-4. Studies on the Civilization of Islam, pp. 162-4.

1. Ibn Khaldun explains the neglect of religious functions by the royal government on the ground that: (a) the royal authority is against Muslim Law so it has no kingship to the religious functions; (b) gradually the control of government passed into the hands of Turks and Berbers from the hands of the 'Arabs. The 'Arabs considered the law and religion as theirs as Muhammad was one of them, and it distinguished them from other nations. But the non-'Arabs, who later accepted Islam did not think so; they gave formal respect to these functions as they had become Muslims and delegated them to some one cognizant of them. Ibn Khaldun, I, p. 418.

authority, according to him, belonged to the head of the government.¹ The advice of the scholars was deemed proper in matters of legal import on account of their knowledge of the religious law. But they were not qualified to tender any advice in matters of political or administrative nature. So, according to Ibn Khaldun, in the monarchical form of government the state is guided by extra-religious objectives^{and} principles, and religion as such has no place whatsoever in deciding the political issues. In this manner politics came to be divorced from religion in Muslim political life.

Necessity and expediency came to justify the institution of monarchy,² and with it the emblems of royalty — flag:

1. Ibn Khaldun, I, pp. 469-60. Some scholars think that it is not right to deprive the jurists and judges from the royal council on the basis of Muhammad's saying, "The scholars are the heirs of the prophets". But replying to this opinion of scholars, Ibn Khaldun remarks that the saying of the Prophet applied to his immediate successors for they represented the law without recourse of transmission and they had thorough practical knowledge of it. But the later jurists have represented the religious law mainly by ruling on ritual practices and questions of mutual dealings of the Muslims; and they are identified with the religious law in a limited extent. So the true heir of the Prophet is a person who follows in the footsteps of him and has knowledge of religious law direct from him. This category comprised the jurists in the second generation, the ancient Muslims and the four Caliphs as well as those who took them as models and followed in their steps. In the case of a Muslim who has one of the two things, the better claim to be called an heir goes to a pious person rather than to a jurist who is not pious. Ibn Khaldun, I, pp. 469-1.

2. Ankara-Sultania, p. 32; Gibb, pp. 163-4.

drums, throne, mint, seal, etc. --- were also accepted as the necessary accoutrements of pomp and show.¹

The Sultanate of Delhi was a monarchy, hence an anti-Islamic institution. It was a Muslim state merely in the sense that its head - the Sultan - professed Islam. It was neither a theocracy² nor a military state. The ideals which guided the Turkish Sultans were the principles of the Sassanid monarchy and their administrative institutions had been evolved and developed under Persian Influence. As a natural consequence the kingship came to be sanctified and became the viceregency of God (*mirabatai-Khudavandi*)⁴ and the king was declared to be the 'Shadow of God on earth'.⁵

1. Ibn Khaldun, I, pp. 53-4.

2. Some Aspects of Muslim Administration, p.2.
Mr. L.H. Qureshi contradicts the theory that the Sultanate of Delhi was a theocracy but supports the view of Sir H.H. Gibb that Islamic polity was theo-centric. Sultanate of Delhi, 44. Prof. K.A. Nizami calls the Sultanate a secular institution, which was accepted by the medieval Indian people on grounds of merit. Religion and Politics in India, p.92.

3. Prof. K.A. Nizami rightly states, "The Sultanate, an anomalous but inevitable growth in Islamic polity as it was could not turn to Pious Caliphate for guidance or inspiration. The Sassanids had elaborated an efficient state-apparatus, perhaps the most perfect in the history of Asia Minor; and so the monarchical traditions of Persia could best serve the ideological and cultural needs of the Sultanate". Religion and Politics in India, p. 92.

4. Tarikh-i-Firuz Shahi, p. 34.

5. For further details consult the Foundation of Muslim Rule in India, pp. 342-44; Religion and Politics, pp.92-7.

The Fatawa-i-Jahandari of Pir Uddin Barani, written during the reign of Firoz Shah Tughluq contains a very good analysis of the institution of monarchy with reference to Islamic religion and special needs. Conscious of its being anti-Islamic, he, like Al Mawardi, justified it on the basis of necessity and expediency.¹ "Barani" remarks Prof. Habib, is certainly correct in thinking that neither the Shariat nor the known traditions of the Pious Caliphate gave to Muslim Society the laws on which the administrative structure of the extensive monarchical empires of the middle ages could be based. Such empires required state-laws based upon the personal authority of the king, but made after the consultation with his council.² The state based on state-laws as the Sultanate was, could never be a theocracy; it was a government based on political reason.

Already the political theorists had separated religion from monarchy and the task before the Delhi Sultan was easy. But the contemporary and the modern historians have created and kept alive the myth of the Sultanate being a government

1. Fatawa-i-Jahandari (tr.) (MIQ July-Oct. 57, 1 & 2), pp. 55-56.

2. Fatawa-i-Jahandari, Introduction, pp. 9-10.

on the Islamic principles.¹ A show of respect by a person to the principles of a religion which he professes is not a matter of surprise but what we are concerned with is, whether that person in the capacity of ^a sovereign applied them into his political dealings or not. But the sober facts of history tell us that the Delhi Sultans were always anxious to remind the religious scholars that politics is something different from religion and that they should keep into their own sphere of activity. Further the Sultans like 'Ala Uddin Khalji were prepared to justify their anti-Islamic dealings when censured on the plea of expediency and necessity.² Muhammad bin Tughluq used to have his own way by overwhelming the jurists by his logic.³ The administrative policy of the Sultans was determined and shaped by political considerations. Their

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1. Discussing the nature of the Turkish government in India Dr. Saxena remarks, "It is suggested and argued that the Turkish political dominance not only symbolised the spirit of Islam, but also the militant aggression of Islam. In urging such a view it is forgotten that militarism and the spirit of Islam are contradictory concepts, and that it was a sheer accident that Islam arose in a military community. The moment the Saracens embarked upon the empire building adventure, the spirit of Islam began to recede gradually into the back-ground."

Presidential Address Indian History Congress, Mysore Session, Dec. 29th, 1955.

2. Tarikh-i-Firoz Shahi, pp. 29-30. The off quoted conversation between 'Ala Uddin and Qadi Jughith about the Shari'a punishments and the government share in the war-booty.
3. Tarikh-i-Mubarak Shahi, pp. 116-116.

main administrative departments - the Divan-i-Kisarat¹, the Divan-i-Risalat², the Divan-i-'Ard³ and the Divan-i-Insha⁴ - were under the secular control. Religion or the 'Ulama never

1. About the Divan-i-Kisarat modern historians are unanimous that it dealt with the financial matter, though its head the Wazir, had a variety of functions which he performed as the Prime Minister of state. Dastur-ul-Albab fi 'Ilm-i-Hisab, f. 44-47a. Habibullah, p. 232; Qureshi, pp. 84-85; K.S.Lal, p. 228.
2. Controversy exists about the nature of the Divan-i-Risalat. Dr. Qureshi says the department dealt with religious matters, pious foundations, stipends to deserving scholars and men of piety. Administration of the Sultanate of Delhi, pp. 86. According to Mr. Aziz Ahmad it was the highest court of appeal and was comparable to the Divan-i-Masalis of the 'Abbasids. Early Turkish Empire of Delhi, p. 367. But Mr. Habibullah states: "The term (Divan-i-Risalat) suggests foreign and diplomatic correspondence and as such must have been a foreign office." Foundation of Muslim Rule, p. 237. Dr. Mahdi Husain calls it the 'correspondence or the reception department'. Tughluq Dynasty, p. 634. But as the Divan-i-Risalat under the Chamauids was the 'Department of Correspondence' there is nothing to indicate that the Sultans of Delhi gave it some other functions, so it would have continued to function in its former capacity.
3. Divan-i-'Ard was the military department and its head was known as the 'Arid-i-Muslik. Qureshi, p. 83.
4. The Divan-i-Insha has been styled the Secretariat by Dr. Mahdi Husain. Tughluq Dynasty, p. 634. Habibullah calling it royal chancellery, allots it the function of drafting royal proclamations, and it communicated with the local executive staff. Foundation of Muslim Rule in India, p. 238. Mr. 'Aziz Ahmad styles the Divan-i-Insha the 'ministry of local government' responsible for correspondence between the centre and the local government. Early Turkish Empire of Delhi, p. 366. The department, as the name makes out, was responsible for drafting the royal Farmans and proclamations including all official papers as the appointment letters of officials, Nasha-nihata-narmanas, etc.

guided their policies. Professor L.A. Nizami aptly remarks, "In fact it was the higher nobility and the upper class of officials, like the kotwala, wakil-i-dara sar-i-dara, akhurshada, dar-i-ra and muntafa, which influenced and formulated the policies of the Sultanate. The religious leaders played the part of a second fiddle. The political authorities tried to bind them to the state chariot in order to win public support through them, but they were not allowed to determine the course of political developments."¹

The religious leaders were respected and were made responsible for religious matters. The institutions of Qada, Intiqab and of religious affairs were entrusted to the 'Ulama. The Shaykh-i-Islam, also styled the Shaykh-i-Mudarr, officially presided over the 'Ulama and was responsible for religious affairs and pious foundations etc.² He also held the post of Qadi-i-Khams and in this capacity dispensed justice. The Diwan-i-Intiqab, though a separate organisation was allied to the Qada, and the Chief Qadi supervised it in his capacity of Chief Muntazib.³ It means that the three religious departments of Qada, Intiqab and of religious affairs were of so little

1. Religion and Politics, p. 80.

2. Qureshi, pp. 85, 157.

3. Habibullah, p. 275.

importance that a single official sufficed to superintend all the three.

In the capacity of Sadr-us-Sudur, the officer controlled the educational institutions, led the Friday prayer, appointed Khatibs and Imams to the local mosques,¹ and recommended deserving scholars to the Sultan for state grants. Dr. I.H. Qureshi exaggerates his influence when he states that the patronage of the scholars gave 'the Chief Sadr great influence over education as well as public, for both pulpit and chair were controlled by men in the service of the state.'²

The Sultans of Delhi were well known for their generosity. Qutab Uddin Aibak for his generosity was known as 'Lak Baksh'.³ The poor were well looked after under Iltutmish and his descendants.⁴ Firoz Tughluq gave Madad-i-Nasir to old persons, so that they could spend their time in prayer and retirement with out any financial embarrassment.⁵ He also instituted a Diwan-i-Khairat to advance financial aid to needy persons.⁶ Beside excessive monetary charity and grants, cooked

1. Habibullah, p. 297.

2. Qureshi, p. 176.

3. Tabakat-i-Nasiri, p. 157.

4. Ibid., p. 166.

5. Mutuhata-i-Firoz Shahi, p. 21.

6. 'Arif, pp. 342-61.

food was distributed to Muslims during the reign of Sikandar Lodi and raw food was provided to the Hindus.¹ Sher Shah's daily alms amounted to five hundred tolas.² He is greatly praised for his generosity.³

But the dispensation of charity and the patronage of education seldom gave to the royal almoner much power and influence in high politics. If exceptions existed, they were rare and never of much significance.

The judiciary as a religious institution seldom wielded much authority, and the Qadis even the bold ones like Qadi Mughith had very little influence on the powerful Sultans. The reason is not far to seek. The Shari'at law came to be

1. Fatawa-i-Akhari, I, p. 336; Tarikh-i-Daudi, p. 37.

2. Tarikh-i-Sher Shahi, p. 77.

3. Tarikh-i-Daudi, p. 220.

"There was no difference of opinion", writes Prof. Habib, "On the question that the Qur'anic punishments were too severe and there was universal desire to avoid them, and they were avoided on two pretexts. First, in accordance with the precept referred to by Barani - 'Avoid punishments on the ground of doubts - the laws of evidence in the Shari'at were made so severe that proof of such crimes was in practice impossible unless they had been committed in a public place. Four witnesses were required to prove every crime and the slightest difference in their statements caused the case for the persecution to fail. Secondly, the definition of Qur'anic crimes was restricted within the narrowest possible limits." Fatawa-i-Jahandari, Intro. (MIR July-Oct. 1968, 1 & 2) p.7.

neglected more and more and the state-laws began to take their place. The laws of Shari'at relating to personal law, e.g. inheritance, marriage, divorce etc. were acted upon but were just ignored in the sphere of administration and political matters. Since the jurists had closed the door of ihtihad the Islamic law with reference to administration and political life became a fossil and did not move with the times. The Sultans realized that monarchy could not subsist on the principles of Shari'at so they adopted a policy of compromise and moderation. In the words of Prof. Habib : "They paid lip homage to the Shari'at and admitted their sinfulness if they were unable to enforce any of its provisions; they kept the state-controlled Mullaha disciplined and satisfied; over the whole field of administration, concerning which the Shari'at is silent or nearly silent, they made their own laws; if the traditional customs were against the Shari'at they allowed them to override the Shari'at under the designation of 'Urf. Thus state laws called qanun grew under the protection of monarchy. If these laws violated the Shari'at the principle of necessity or of istihsan (the public good) could be quoted in their favour.¹"

1. MC (III, Jan. & April, 1964, Nos. 3 & 4) pp. 216-7.

The judicial administration of the Sultans was efficient. They personally dispensed justice and heard appeals. Sometimes they held summary trials of criminals.¹ The Sultans provided facilities for the smooth working of the judicial machinery. Iltutmish hung a bell to facilitate the approach of the plaintiff. Muhammad bin Tughluq organised a separate department called the Diwan-i-Siyasa as the number of cases was very large.²

The chronicler Yahya informs us that Sultan Muhammad bin Tughluq was very particular about capital punishment. He had installed four Muftis in his palace. When a case was brought for trial he discussed the matter with them, and no punishment was awarded until an agreement was reached among them. The Muftis were warned to be careful in condemning anyone to death without sufficient proof or they would be held responsible.³

Writing about the judicial administration of Sultan Sikandar Lodi, the author of Tarikh-i-Daudi remarks that due to the Sultans sense of justice no one dared to maltreat his

1. Tarikh-i-Daudi, p. 24, 70-72, 73; Qureshi, p. 157; Habibullah, p. 237.

2. Tarikh-i-Firoz Shahi, I, p. 497.

3. Tarikh-i-Mubarak Shahi, p. 116-117. Dr. Mahdi Hussain says that Muhammad bin Tughluq had constituted himself not only into a supreme judge but also the crown council, Tughluq Dynasty, p. 639.

slave. Darya Khan Wakil had orders to spend his whole day and a part of evening on the judicial Chahutra. The Qadi with twelve learned theologians was in constant attendance at the royal Daulat Khana. The cases were brought before the said theologians for Fatwa which was given in writing. The Fatwa was communicated to the Sultan by officers specially appointed for that purpose. The full proceeding of the court was reported to the Sultan.¹

Beside the king the highest judicial officer was the Qadi-ul-Qudat. He lived at the capital and decided cases in collaboration with the Amir-ul-Dad.² The Qadi was incharge of the administration of law. The Sultan appointed provincial and local Qadis at the recommendation of the Chief Qadi.³ The Qadi was assisted by a Mufti who not only expounded the law but gave advice in complicated cases.⁴ In smaller towns and

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1. Tarikh-i-Bandi, pp. 42-44. Discussing the judicial administration of the Lodis, Dr. Pandey comments that the Sultan's court was the supreme court of the realm and combined the functions of the former court of the Sultan and that of the Qadi-ul-Qudat and the Shah-i-Jahan. The First Afghan Empire pp. 250-1.
 2. About the Amir-ul-Dad some modern historians are of opinion that he produced before the court influential persons who had been used but were too powerful to be controlled by the Qadi. Further he was responsible for the executive side of justice. Qasim-i-Turk, p. 232, Qureshi, p. 161.
 3. Habibullah, p. 273; Qureshi, pp. 150-1. Dr. I. H. Qureshi says about the chief Qadi : "He heard appeals from the lower courts and appointed the local qadis." Administration of the Sultanate of Delhi, p. 150.
 4. K.S.Lal, p. 232.

villages, the headmen and the pancharats were responsible for deciding cases.¹ Sikandar Lodi appointed a new judicial officer called Mr. 'Adl.²

The procedure of the court of justice was simple. There were no advocates to plead the cases. After hearing the parties and their witnesses, the Cadi declared the verdict after deliberation.³ The Cadi had full control over cases which involved private rights.⁴ But in cases of criminal nature it was usually the state-law which applied, and in these matters sometimes the king over-ruled the decision of the Cadi.⁵ The village pancharats administered the criminal law in their respective localities. Appeals against their decisions could be taken to the provincial governors; and they, in their turn, could appeal to the Sultan, who constituted the final court of appeal.

Emphasis on the dispensation of justice and the existence of an elaborate structure of judiciary did not mean that the Cadis or for the matter of that any other judicial officer

1. K.S.Lal, p. 232.

2. Tabaqat-i-Akbari, I, pp. 339-40. Abdulla informs us that during the reign of Sikandar Lodi:

... Tarikh-i-Baladi, p. 70.

3. Aziz Ahmad, p. 361.

4. Ibid.

5. Ibid.

exercised any great influence on the administration or the state policies as such. In fact the Diyar-i-Qada remained a department of secondary importance throughout the period. Even the allocation of Intiqab duties to the Qadi did not enhance his authority.

The Sultans of Delhi evolved a system of administration after many experiments, trials and errors. They bequeathed to the Indian Mughals a nucleus for building up the edifice of an all Indian administrative system suited to the Indian conditions. The Mughals derived full advantage from the experience of their predecessors and avoiding the pitfalls set up an administrative structure which lasted several centuries.

On account of his preoccupation with the Rajputs and the Afghans, Babur could not give any new political institution to India, but he showed the way to found a new Empire. His policy of toleration in every sphere of administration and his attempt to create in the heart of the people a sense of attachment with the Mughal House and make the court a focal point in the cultural life of the people provided guiding principles of policy to the Mughal rule in India.

Humayun had time but little inclination towards administrative institutions.¹ So, after the Sur interval and the second advent of the Mughals to power, the task of evolving a suitable administrative machinery fell to Akbar. The Principles on which he laid the foundation of his administrative system were determined as much by the spirit of the age as by his own tolerant and catholic nature. In fact his reign marks the point of culmination in the process of evolution of the political institutions of medieval India.

Akbar was fully alive to the exigencies of the Indian situation. He realised that in a country like India with a population so varied, a new orientation had to be given to the policies of the state. The State had to enjoy the confidence

1. Muslim Rule in India, p. 158. Edwardes puts the blame of Humayun's incapacity on his addiction to opium. (p.13). Dr. Tripathi blames neither the opium whose use was regulated nor accused Humayun of ~~absolute~~ inability, but makes fortune responsible of all his failures. (Rise and Fall, p.111). On his second acquisition of Empire, we are told, he had brought definite ideas and was prepared to utilise the administrative traditions of Sher Shah. Though he made no change in the district and local administration of Sher Shah, he conceived the plan of provincial administration. Rise and Fall of the Mughal Empire, p.169

and cooperation of all its people and not any one group or section. It had to develop a broad political base to be co-extensive with all Indian people. Guided by this basic conviction he formulated his political and administrative policies, acceptable to all, and enjoying the active good will and cooperation of all. In fact it was during the reign of Akbar that the Mughal administrative structure attained its final form, after many alterations and adjustments. During the reigns of Jahangir ^{and} Shah Jahan very minor changes were made in this system which did not effect the character of the administration as such.¹ By the time of Aurangzeb the administrative institutions were so firmly established that even after his death (1707) they continued to function inspite of the incompetence and lethargy of the succeeding generations of the Mughals. With his deep insight in human nature, especially of the Indian people, Akbar evolved a conception of kingship which represented a synthesis of the Indian, the Mongol and the Persian ideas about the sacrosanct position of

1. History of Jahangir, p. 378; History of Shah Jahan of Delhi, p. 259.

2. The Mahabharat states the God Vishnu himself entered into the body of the first king, Mahabharat as cited by Altekar in State and Government in Ancient India. "Divinity" writes Altekar, has been definitely claimed for the king by some Smritis and Puranas. "State and Government in Ancient India. Among the Mongols, Chingiz Khan was considered god sent, (The Mongol Empire, Michael, Prandin p.86). The inscription on his signet ring described him as "the power of God." (The Mongol Empire, p.89). By these epithets the divinity of the Monarch was emphasised.

The Sassanid kings claimed Divine Rights for themselves which were fully acknowledged by their subjects. History of Persia, Sykes, p. 302.

the monarch. He gave the conception a divine basis when he declared the ruler to be the viceroy of God, and his power the farrukh-zadi. It was probably with this aim in view that Akbar introduced the institution of Jharokha¹ Darshan.

The Mughal political writers justified the existence of kingship on the basis that it was the only alternative to rebellion,² and the people, due to the fear of punishment abstained from tyranny.³ Dispensation of justice bound the people to the ruler who ensured security and peaceful conditions.

At the head of the Mughal administration sat the Emperor, the viceroy of God, the source of all authority and power, the establisher of peace, the dispenser of justice, the commander of its forces and the guardian of his subjects.

1. A'in-i-Akbari, I, p. 224.

2. Ibid., p. 3.

اگر شکر فرمانروائی نبود شورش دگرگوئی برافروشد -
 بطریق داد کین باشد که گویم بکشاد، پیشانی و تازو لائی راه فرمان پذیری
 گیرند و طایفه از بیم سیاست دست ستم بازکشید، کلم و ناکا، به پندار عقلند -

آمین اول ص ۲

3. A'in-i-Akbari, I, p. 3.

But he could not govern so vast an Empire,—including Bengal in the east, Gujarat in the west, Kashmir in the north and Deccan in the south—alone or single handed. Counsellors and ministers had to be appointed to deal with various spheres of administrations. The highest minister of State was the Wakil, Abul Fadl remarks about him: "He governs the council by his high wisdom, and settles with penetration the great affairs of the realm¹." As he was the key officer of the administration, all promotions, demotions, appointments and dismissals depended on his judgement. A Wakil had to be a man of very high qualifications, possessing "wisdom, nobility of mind, firmness, magnanimity and frankness." In the words of Abul Fadl it was only after having attained the four degrees of sincerity (i.e. sacrifice^{of} life, honour, property and religion) by his wisdom, that a person could be appointed Wakil and put in charge of the administrative and financial matters. In spite of the fact that the Wakil was a high and dignified officer of the empire, he had no separate department to look after.² He was a man of all affairs - 'a'man-humma'.

1. A'in-i-Akbari, I, p. 6.

2. Ibid. Dr. Saxena says that the Wakil was the incharge of the household department as well as the general administrative departments, and gives the list of his subordinate officers comprising of Mir Wal, Mir 'Arif, Gor Begi, Mir Tumb, Mir Bahr, Mir Manal, Imam Salas, Mir Munshi, Abul Begi and Khush Begi. History of Shahjahan of Delhi, p. 237. Abul Fadl had clearly stated that the Wakil was incharge of no specific department (Khudavand-i-daffarniat). He was in fact, the general supervisor of all administrative and economic affairs (na'ib-i-mali wa mulki). A'in-i-Akbari, I, p. 6.

Except the Nakil, all the other ministers had their specific departments. There is a considerable difference of opinion among the historians about the exact number of the administrative departments of the Mughals. Ibn Hasan puts the number of the main departments at four:¹ (1) Revenue under the chief Diwan, (2) Military Department under the Mir Bakshi, (3) Factories and stores under the Mir Saman, (4) Ecclesiastical and Judicial Department under the Sadr-us-Sudur.

Sir J.N.Sarkar has divided the administrative machinery under the following principle departments:²

1. The Exchequer and Revenue (under the High Diwan).
2. The Imperial Household (under the Khan Saman).
3. The military pay and Accounts Office (under the Imperial Bakshi).
4. Canon Law, both civil and criminal (under the Chief Qadi).
5. Religious Endowment and Charity (under the Chief Sadr).

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1. Central Structure of the Mughal Empire, p. 146.
Discussing the number of the departments, Ibn Hasan says: "Akbar and his advisors also appears to have been under the influence of Muslim jurists, and they followed the tradition which had found its place in the Delhi Sultanate also. Hence the number of the ministers who shared the duties and responsibilities of State, is mentioned as four! Central Structure, p. 146.
 2. Mughal Administration, p. 19.

6. Censorship of Public Morals (under the Mahfazi).
Sir J.N. Sarkar refers to two more departments,
"inferior to these but ranking almost like departments."
7. The Artillery (under the Mir A'tish or Darogha-in-Topkhana).
8. Intelligence and Post (under the Darogha-of-Dak-Chauki).

Abul Fadl mentions four ministers of the Empire: Nakil, Nasir, Bakhshi and the Sadr.² But at another place Abul Fadl informs us that for administrative purposes the work of the Empire was divided under the following three sections:³

1. Absh-ul-Mal, dealt with the revenue matters of the state.
2. Arbab-ul-Tahsil, dealt with the house-hold matters, record of the income and expenditure of the Khasing-dars, and of what was bought and sold.
3. Tanish, dealt with the salaries of the soldiers.

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1. Mughal Administration, p. 19.
 2. A'in-e-Akhbari, p. 187.
 3. Ibid., I, p. 164.

۱. ابواب المال از فراج ملک باز کرد و انزوی و کی برخواستند و دروگده خواسته که فرام آید دران بنگردد.
۲. ابواب التماثل - چگونگی سراجم منزل و تعلق جمع و خرج خویش داران اوارجه نویسی کوتاه خود و فروخت دران بنگردد.
۳. توسعه سرشته سپاه از بودست آید و چگونگی داد و ستد درو گزاش باشد.

فرام آید دران
اداره نویسی

Out of these three, we know that revenue was the responsibility of the Wazir technically known as Diwan, and military pay that of Bakhshi. But the Sadr was not definitely incharge of Arbabat-Tahwil, for he dealt with the religious affairs and charities.¹ Later administrative manuals mentions the departments of the following ministers:²

1. Diwan-i-Ala
2. Bakhshi
3. Khan-i-Saman o Butwat.

The duties given in connexion with the Khan Saman makes it clear that he was responsible for the household and workshop department. But under Akbar the department was in an evolutionary stage, and Diwan-i-Buyutat rather than the Khan-i-Saman managed its affairs. By the reign of Aurangzeb the position of Khan Saman, also known as Mir Saman³ was established

1. A'in-i-Akhari, pp. 166-7.
2. Malat-i-Mumalik Mahrusa-i-'Alamgiri, ff. 130b-170a. Davabit-i-'Alamgiri, ff. 18a-31a.
3. The terms Mir Saman and Khan Saman have been used synonymously in the chronicles and administrative manuals. Khulasat-us-Syar f. 3a. Davabit-i-'Alamgiri, ff. 20a-22a. Anand Ram Mukhlis informs us that in India, Mir Saman is called Khan Saman. The minister incharge of Expenditure at court is called Khan Saman and the person attached to the household of the nobles in the same capacity is called Mir Saman. Mir'at-i-Istilah.

خاندان - در هندوستان میرسلطان را گویند - طریقه این است که
 در سولک سلاطین هند نام وزیر حق خاندان است و در سولک ایرانی
 مقام صاحب این خدمت را میرسلطان نامند - و در ولایت نام صاحب
 این خدمت ناظر است - آنگاه رام مطلب

and his relationship with the household and the workshop was clarified. So we can safely conclude that for most of the period covered by the reigns of the great Mughals there were the following four chief administrative departments:

1. Revenue and Finance Department, under the Dewan-i Aila.
2. Military Affairs and Pay Department, under the Mir Bakshi.
3. The Household and Workshop Department, under the Mir Saman or Khan Saman.
4. The Department of Religious Affairs, Endowment and Charities, under the Sadr-us-Sudur.

The four-department theory is also supported by the accounts of the foreign travellers. The traveller Creri remarks: "For the better management of public affairs, and due administration of justice, the king keeps four secretaries of state who are to acquaint him with all that happens in the Empire, and to receive his orders. The first of them is called Bazari (Bakshi) and had the charge of warlike affairs and looks that the Qarab keep their full complement of men. The second is called Adalat (meaning Qadi), ^{who} takes care that justice be administered both in civil and criminal cases, giving the king an account of what minister behave well and what ill. The third they call Devan, and to him it belongs to divide the jagirs or fiefs among the Qarab, Subah and the other commanders and to see that they do not oppress the

inhabitants of the place committed to them with too heavy impositions. The fourth is known by the name of Can Saman who is Treasure General that causes all the revenues of the Empire to be brought into the treasury and every week lays before the king what every province is worth, and what it yields, and what money remained in the king's coffers.¹

As the Mughal Empire was an extensive one, these four departments alone could not manage all the affairs of administration. There were other departments, lesser in importance, that shared the responsibility according to the nature of the work assigned to them. The departments were as follows:

1. Judiciary, under the Qadi-ul-Quddat.
2. Intelligence and post under the Daroshazi-Dak Chanki.
3. The Artillery, under the Mir A'tish.
4. The Intisab, under the Muhtasib.

Out of the eight departments of state the following three were of a religious nature:

1. Religious Affairs, Endowment and Charities, under the Sadr-us-Sudur.
2. Judiciary or Qada under the Qadi-ul-Quddat.
3. Intisab under the Muhtasib.

Under the Sultans, Qada and Intisab were, in fact, the branches of the Department of Religious Affairs, and the

1. Creri, III, p. 240.

head of the one was also the head of the other two also. But under the Mughals, Judiciary was a separate institution from the first with its head known as the Qadi-ul-Qudat. The Mutiasah, under Akbar served merely as the organ of Sadarat without much power or independent authority, though Aurangzeb ^{^eb} organised Mutiasah with extensive duties and some personnel. But even then it did not gain any important place in the administrative structure of the period. But throughout the period, the Sadr-us-Sudur, continued to appoint the officials of the other two departments under his seal.

Sir J.N.Sarkar has designated the departments of the Sadr, the Qadi and the Mutiasah as religious departments. In the following pages an attempt has been made to study critically the history, the working, the inter-relationship, ^{the nature} and the significance of these departments in the Mughal administrative system during the period of the Great Mughals (1626-1707).

CHAPTER I

THE DIWAN-E-SADARAT : NATURE, SCOPE AND FUNCTION

During the Mughal period, the department of the pious foundations and religious affairs was known both as the Dastgah-i-Diwan-i-Sa'adat¹ and the Diwan-e-Sadarat². It was named the Dastgah-i-Diwan-i-Sa'adat as it dealt with the affairs of the Ahl-i-Sa'ada - the group consisting of the holy persons, the great Shaikhs, the respectable Saivids, the learned men, Sadis, philosophers, poets and judges.³ But the popular term for the department was the Diwan-e-Sadarat, and the head of the department was called the Sadr.⁴

To form an idea of the nature, character and achievements of this department, it is essential to study the gradual process of evolution through which it underwent at the hands of different Sadrs, their relations with the monarchs and the adjustment and reforms introduced in the institution by them. sm

Akbar being a minor at his accession, the first Sadr of the realm, Shaikh Gadi Kambh Dehlavi, was appointed by Khan-i-Khanan Bairam Khan, the regent of Akbar.⁵ Shaikh Gadi, whose name was 'Abdur Rahman,⁶ was the son of the famous mystic

1. Adab-i-Albhar, I, p. 153.

2. Alimshahi Documents, pp. 157, 158, 160 & 162.

3. Adab-i-Albhar, p. 36.

4. Adab-i-Albhar, I, pp. 156-57.

5. Adab-i-Albhar, II, pp. 28-30.

6. Muhammad Harsi the writer of Alimshahi (as cited in the Oriental College Magazine, Vol. IV, pp. 95-97, 1934) tells us under the year 976 A.D. that:

شیخ گدائی بن شیخ جلالی کہوڑی مدنی صدر اکبر بادشاہ بود عبد الرحمن
نام و بیگانی شہرت داشت و با کمال علم عالم بود ۔

scholar Shaikh Jamali Kanboh of Delhi.¹

Shaikh Qadai got the post of the ~~Amir-ul-Umra~~ ^{Sadar} on account of his friendship with the Khan-i-Khanan.² Little is known about the basis of this friendship. The contemporary chroniclers tell us that this friendship started at Gujarat while the Khan-i-Khanan was in voluntary exile (1540).³ We are told that after the defeat of Humayun by Sher Shah, Bairam Khan, a staunch supporter of Humayun, was kindly treated at Gujarat by Shaikh Qadai Kanboh. The Shaikh was living, then, near Gujarat in a prosperous condition.⁴ Most probably the Shaikh provided hospitality to a wanderer and exile.

1. Shaikh Jamali Kanboh: He was a distinguished disciple of the famous Suharwardi saint, Sama'-ud-Din. His real name was Jamal Khan. He was a poet. In the early years, his nom de plume was Jalali, but at the suggestion of his spiritual guide, he adopted Jamali. He was orphaned in his early childhood but acquired the customary knowledge. He had a poetical bent of mind, and used to compose Mathnavi, Qasida and Ghazal.

He had traversed the Muslim lands. When, during the reign of Sultan Hussain Mirza he came to Hirat, he met Mir 'Ali Sher; he also spent his time in the company of Maulvi 'Abdur Rahman Jami, the well-known Persian poet, and had met Mulla Hussain Wa¹ al-Kashafi and Maulana Jalaluddin Dawvani. Due to his poetic attainment and social gifts, he was on the best of terms with Sultan Sikandar Lodi. Later he became a companion of Babur. Babur respected him so much that he used to visit him at his place.

Jamali was the author of 'Siyar-ul-Arifin'. He died in 942/1535 A.D., Badau'ni, II, p. 29. Mafa'is-ul-Ma'athir, f. 94, Ma'athir-ul-Umara, II, 532-35. For further detail about Jamali, Shaikh Qadai Kanboh, OCM, IV, pp. 96-97, 1934, MIC, Vol. III, Nos. 1 & 2 July-Oct. 1967, pp. 109-149.

2. Badau'ni, III, pp. 76-77.
3. Badau'ni, II, pp. 29-30; Tahqiqat-i-Akhbari, II, p. 249.
4. When Bairam joined Humayun near Sindh, Shaikh Qadai went to Hijaz. Akhbar-ul-Akhbar, pp. 227-29.

When the fortune of the house of Timur changed, and Akbar defeated Hemu at the battle of Panipat, Shaikh Qadai had already attached himself to the Mughals. He was not only present at the occasion when Hemu, wounded and half dead came before Akbar, but also suggested with Bairam, that the Emperor should cut off his head himself. The contemporary chronicles record that when Akbar refused to lay his hand on the half-dead enemy, first Bairam and then others including the Shaikh made an end of him.¹

As a favourite of the Khan-i-Khanan, the Shaikh had great power. The Khan-i-Khanan used to consult him in all matters financial and administrative.² The Ma'athir-i-Babini tells us that, he became the Mudarris-i-Mubam of Bairam Khan.³ The Khan-i-Khanan showed him favour by attending Sama' meetings at his house. Sometimes Akbar also accompanied him to these audition parties.⁴ As was natural, the power and position of the Shaikh excited jealousy of the princes and nobles.

Pir Mohammad Khan Sherwani, the Wakil, became very jealous of the Shaikh and his position in the Empire. Pir Mohammad, who was a protege of Bairam rose to great heights by the favour of his M^u patron. After coming into power he received the title of Nasir-ul-Mulk. The sudden rise of Shaikh Qadai alarmed the Nasir-ul-Mulk^{all}

1. Badauni, II, p. 16; Ma'athir-ul-Uzara, II, pp. 632-34.

2. Ma'athir-ul-Uzara, II, pp. 632-41.

3. Ma'athir-i-Babini, II, pp. 39-40.

4. Badauni, II, pp. 29-30.

Some sort of conflict between these two proteges of the Khan-i-Khanan was imminent. The clash took place at Hissar in 1668. According to Abul Fazl, "as Bairam Khan was much inclined to the Shaikh (Gadai), he took his part." This annoyed Pir Mohammad, who abstained from attending the court for sometime.¹

But soon afterwards through "the wise agency of certain goodmen", the differences between the Shaikh and the Nasir-ul-Mulk were patched up. It appears, however, that the Shaikh was not satisfied with this state of things. When, in 1669, some misunderstanding arose between the Khan-i-Khanan and Pir Mohammad, the Shaikh took advantage of it, and tried his utmost to estrange them.² Soon the Nasir-ul-Mulk was dismissed.

After the removal of Pir Mohammad, the position of the Shaikh was secure. His power even in the administrative matters became significant. Abul Fazi writes: "though Haji Mohammad Khan Sistani

1. Akbar Nama, II, pp. 66.

"درهنگولا (که راجات اقبال در حصار بود) میان ناصرالملک و شیخ گدائی نزاع و بلبلی بهم رسید - و چون بهم خان راجات احوال شیخ پسیل بود جانب او گرفت ناصرالملک روزی ده هزار غنایم آلود ساخت بدرخانه نهاد."

2. Akbar Nama, II, p. 286; Ma'athir-i-Jahani, II, 38.

غیر، گویان تاوان بین واقعه طلب فرصت یافت سخنان گفت و وعده آنها
شیخ گدائی بود - اکبر نامه دوم ص ۱۸۶

was appointed hakil in succession to Pir Mohammad Khan, he was the nominal holder of office; the real hakil was Shaikh Qadai, the Sadr.¹ HM

The Shaikh began to delve in the political and administrative affairs, but what was he doing as a Sadr is our chief concern. On this point our information is very limited. But the following remark of Badau'ni gives some idea of the activities of the Shaikh during this period:

"He (Qadai) cancelled the old grants of Madad-i-Ma'ash and took away the legacies of the Khangadas (Afghans) and gave a Suyurghal ² to any that would bear up with humiliating treatment, but not otherwise."³

Probably the cancellation of the old grants was done at the instigation of the Khan-i-Khanan. The Mughals had wrested the power from the Afghans (Surs); it was natural for them to try to curb their power. It was also natural that new grants should be made to gain the sympathies for the new Empire.⁴ Comparing these grants with those made later in Akbar's reign, Badau'ni calls the Shaikh 'Alam Bakhsh.⁵

1. Akbar Nama, II, p. 87.

2. For Suyurghal and Madad-i-Ma'ash, Post, p. 99, 100, n.1

3. Badau'ni, II, pp. 29-30.

4. Badau'ni conditions the new grants on humiliating treatment but as we have no other source to verify the statement, we must be careful in accepting the statement too literally.

5. Badau'ni, II, pp. 29-30.

The Khan-i-Khanan had so much faith in the judgement of the Shaikh that he transacted no business without consulting him.¹

While the Shaikh was on the height of his power, he came in collision with Shaikh Mohammad Ghauth of Cavalior.² This clash

1. Ma'athir-ul-Umara, II, pp. 632-41.

2. Shaikh Mohammad Ghauth was a Shattari saint. He was the first saint of his Silsila to establish contact with the Mughal Emperor, Babur. Babur succeeded in the conquest of Cavalior fort by the help of the Shaikh; and Tatar Khan Sarangkhani surrendered the fort to the besiegers.

Shaikh Ghauth was a prolific writer. He wrote Jawahir-i-Khamsa, Kalid-i-Makhzan, Zamair, Kanz-ul-Tauhid, and Bahr-ul-Hayat.

Humayun had great respect for Shaikh Mohammad Ghauth and his elder brother Shaikh Bahlol. But Shaikh Bahlol was put to death at Hindal's instigation in 1538 after the latter's coup d'etat. Humayun's attachment for Shaikh Ghauth naturally increased after his brother's murder.

After the establishment of Sher Shah's power, Shaikh Ghauth with great political insight, went away to Gujarat. But the Shaikh's pro-Mughal attitude did not change even after Humayun's defeat.

After the Mughal restoration, the Shaikh came to Agra with his family and was received at court with great honour. But the court politics had changed in the meantime, and the Shaikh could not live in peace at Agra. Shaikh Gadai, the Sadr, became jealous of his warm welcome, and tried to alienate Bairam Khan, the regent, from Shaikh Ghauth. Shaikh Ghauth became incensed at this attitude of the Sadr and the regent. He left for Cavalior where he had a jagir ~~xx~~ yielding a karor of dams.

Sometimes later, Akbar happened to go to Cavalior, where the Emperor was informed that Shaikh Ghauth had brought fine bullocks from Gujarat. The Emperor was further told that if he would pass by that locality, Shaikh Ghauth would certainly present them to him. "So", says Abul Fadi, "with the ostensible object of procuring the animals, but in reality to test the Shaikh's urbanity, he went to his Khanqah."

came about when Shaikh Ghauth presented himself at Agra. Akbar received the saint kindly. This gracious welcome of Shaikh Ghauth was not appreciated by Gadai. Becoming a prey to jealousy, the Shaikh tried to prejudice the Khan-i-Khanan against Shaikh Ghaus by presenting a treatise, Ma'arri Nama by him in which he had ascribed Ma'arri to himself.¹ Though Shaikh Gadai put forward objections on religious basis, but in the words of Badauni:

"Shaikh Gadai, on account of jealousy, hypocrisy and envy, looked on his (Ghauth's) arrival as a case of opening a shop on the story above his own shop."²

(Continued from previous page)

At the end of the interview, the Shaikh asked Akbar, if he had become the disciple of any one. On Akbar's denial, the Shaikh put out his arm and holding his hand said, 'we have taken your hand'. Both Badauni and Abul Fadl unanimously agree that Akbar did not take it seriously.

The last great service which the Shaikh rendered to the Mughals was to acquire the surrender of Chunar fort from Fattu who was in possession of it.

The Shaikh died in 1605 A.D.

MIQ, (Vol. I, 1960, No.2) pp. 66-67.

1. Badau'ni, II, pp. 34-35.
2. Ibid., II, pp. 34-35.

The conclusion which the chronicler derives from this behaviour of the Shaikh is natural, that it was due to jealousy.

Through his manouvering the Shaikh achieved success; Shaikh Ghausi had to retire to Gujarat, disgusted and frustrated with 10 million tankas in Nadad-i-Ma'ash.¹

As the chief Sadr of the realm, the Shaikh was expected to be in the good books of the 'Ulama and the scholars of the Empire.² But he was quite unpopular with them and the people. We are told that soon after his appointment, a campaign was started against him by Mi'mat Hasuli, the poet. Slandering lampoons were written on the walls of the mosques and khanoqahs. Some bold persons even inscribed them in Gadsai's own Divan Khana.³

Perhaps the masses were hostile towards him because he was haughty and arrogant, and did not attend to the needs of the

1. Zubdat-ut-Tawarikh, f. 139.

Badauni says, Shaikh Ghausi received a jagir of a karor (Badauni, II, p. 34) Ibn Haseen in a note remarks, 'I think this (karor) means highas and not rupees as the author usually omits the words highas in such expressions', p. 280.

2. Badauni, III, pp. 76-77.

3. Badauni, II, p. 30. One of the lampoons has been quoted by Badauni:

نہم کہانی مہربان کہانی نحر - زان کہانی بدست روش کہانی سہ

indigents and weak.¹

1. Ma'athir-ul-Mamara, II, p. 641; Akbar Nama II, p. 87.

لوحہ از بدہ برد الکن دنیا از جای رفتہ بہ احوال مساکین و غنما مطلق
سی برداختہ - اگر نیکہ دوم ۸۴ -
وتکبر (کہ بتیاد الکن قدیم دولتان است - تا بتیاد دولتان جدیدہ) پیدائش گرفتہ
اسباب نکال خود و مری خود سر انجام می نمود۔

In the opinion of Dr. Smith, the unpopularity of the Shaikh was due to the fact that he was a Shia. Discussing the causes of Bairam's fall, Dr. Smith remarks:

"His (Bairam's) appointment of Shaikh Gadai as Sadr-us-Sudur excited the sectarian animosity of all the Sunnis at court, who complained and not without reason, that Bairam showed excessive favour to the adherents of his own Shia sect."

Akbar the Great Mosul, p. 43. At another place Dr. Smith has said:

"The appointment of a Shia (Gadai) to a position so important gave extreme offence to the orthodox sunni courtiers and had much to do with the subsequent fall of Bairam Khan, who was hated as being a Shia." Ibid. p. 42.

Dr. Tripathi also seems to think, Shaikh Gadai, a Shia. Rise and Fall, p. 179.

Dr. Smith and Dr. Tripathi have given no authority for the assumption that Gadai was a Shia. Neither contemporary chronicles nor later authorities refer to Gadai's religious belief expressly. But there is enough data to infer that he was not a Shia.

a. Abul Fadi while enumerating the various faults of Bairam, refers to his giving Gadai ascendancy over the Saiyids, but at no place he says that Gadai's unpopularity was caused by his Shia leanings.

b. Badau'ni is very particular to point out a Shia if he comes across one, be he such a learned one as Nurullah Shustri. There was no love-lost between him and Gadai which is quite evident from his account of the Sadr. He has referred to his obscure descent, has detailed Gadai's unpopularity among the courtiers and the masses. If Gadai had been Shia, Badau'ni would have been the first to write about it and include it in the "sins" of Shaikh Gadai. But as at no place Badau'ni has hinted about the Shia beliefs of Gadai, it is definite he was not a Shia.

Rise and Fall of the Mughal Empire, p. 179.

Not only the masses, the nobility was also antagonistic towards Shaikh Gadai. The nobles were enraged at his exaltation.¹ The reason for this hostility of the aristocracy is not difficult to discover. In an age when birth and hereditary-wealth counted for much, it was a sore point to the old nobility that a man of no consequence, and obscure descent (Shaikh Gadai) should be raised to such a great rank.² Then, the Shaikh was an upstart.³

The greatness of the Shaikh was dependant on the favour of the Khan-i-Khanan; when the Khan lost his eminent position, the fortune of the Sadr-us-Sudur also suffered a decline.⁴ Abul Fadl

1. Badau'ni, II, pp.29-30. Some of them (nobles) Badau'ni tells us consoled themselves in these words:

گر تو تر نشست حاکمی نه لورا عیب و نه ترا ادب است
می نه بینی که سوره اخلاص نه تیرت برا این لب است

2. Badau'ni, II, pp. 29-30.

اکبر ام این صراخ شیخ که ای که در طوسب او دم سخن داشتند حاکم
بجای در مانی عظم افتادند -

3. Ma'atair-ul-Ikbar, II, pp.40-41. Akbar Nama, II, p. 87.
4. Akbar Nama, II, p. 87.

Abul Fadl gives in detail the description of Bairam's revolt. The Khan Khanan's regency saw the end of many dangers to the infant Mughal empire. But the supremacy of the regent roused the jealousy of a faction of the nobility. The faction comprised of the Turkish nobility who felt themselves neglected "These nobles", remarks Dr. Tripathi "would have fumed and fretted in vain had the mind of Akbar not gradually turned away from Bairam."

The dismissal of Pir Mohammad and the appointment of a Persian in his place frightened the Turkish faction. Akbar resented this exercise of royal prerogative by Bairam. On the pretext of a hunting expedition, the Emperor fled to Delhi (19th March 1600) with some of his confidential men. Bairam sought but was denied an interview with the Emperor. At this juncture Shaikh Gadai pleaded the expediency of an open revolt. But Bairam's hesitation at this stage proved fatal to his interest. When at last he decided to revenge himself on his enemies, the success of his venture was already doubtful.

says that the arrogance of the Shaikh was the cause of his own fall and that of his patron, Bairam Khan.

The Faran cataloguing the 'crimes' of Bairam Khan, also lists the following charges:

- a. His patronage of Shaikh Gadai. The appointment of the Shaikh to the Sadarat inspite of his not having the requisite qualifications.
- b. His negligence in allowing the Shaikh to endorse the decrees with his own seal.
- c. The exemption of the Shaikh from homage (taslim) to the Emperor.
- d. The Shaikh's precedence over all the Saiyids and distinguished 'Ulama inspite of his ignorance and incapacity.
- e. The allotment of such position to the Shaikh that he appeared before the Emperor on horseback and took him by the hand.¹

After losing his power Bairam started for Hijaz; he gave leave to all his supporters to go back to the court. Shaikh Gadai¹ parted with him at the confines of Bikaner. Even after his return to the court he was respected and revered.² 'Though worthy of

1. Akbar Nama, II, pp. 106-107; Ma'athir-ul-Umara, II, pp. 63E-41.

2. Badaun'ni, II, pp. 76-77.

punishment', remarks Abul Fazl, "he was treated with favour."¹ But he was not reinstated on his post. He, however, spent the rest of his life in comfort and peace. He spent his time on one side in organising the 'Urs ceremonies of the Delhi saints,² and on the other in sensual pleasures in the company of young girls.³ His life at this time reveals his personality in its true colours and explains also the reasons for early public resentment against his appointment.

Gadai died in 976 A.H./1569 A.D. Badau'ni remarks:⁴

"Shaikh Gadai Kanbon, who was like a deposed Shahna (مجنون) and had become the very idol of conceit through the foolish flattery of the knaves of the day, in this year left the world. You are dead you great pig, Murdai Khuk Kalan (مردی خوک کلان) was found to give the date."⁵

Shaikh Gadai had literary talents. He composed verses, both in Persian and Hindi.⁶ Badau'ni has quoted some of his

1. Akbar Nama, II, p. 106

در همین زمان شیخ گدائی فقه اندوز حائز و حاسر برگشته بدرگاه عالم پناه آمد -
مردی که مستوجب سیاست بود به نهایت پستی آید - اکبرنامه - دوم ص ۱۰۵
(شیخ گدائی) بهلازیت مرثی آشنائی رسید - از آنجا (که مطلق و متقین و شیخ و
شریف دربار پادشاه و شیخ این دم فقه و فساد و بهایت انداز و انحراف مزاج
برام خان شیخ بود) ارکان خلالت او را مستوجب انواع سیاست شمرده در مسکات آتش
افروزی خود را حیات نهاده اند اما مرثی آشنائی از کمال عاطفت و مهربانی به نهایت
پستی آمد - آثار الامرا - دوم - ص ۵۲۲ - ۵۲۱

2. Badau'ni, I, pp. 76-77.

3. Akbar-nal-Akhyar, pp. 227-229.

4. Badau'ni, II, p. 119.

5. Ibid.

6. Ibid., III, pp. 76-77.

Persian couplets from Nafais-ul-Ma'athir, but at the same time doubts their being Gadai's work.

In 958 A.H./1550 A.D. Khwajgi Muhammad Salih Haravi was appointed Sadr in succession to Shaikh Gadai.¹ He held the post for three years. Our information about his life and career is very meagre. Badau'ni has summed up his assessment of his Sadarat in the following words: "He had no authority in the grants of in'am, Auqaf and Madad-i-Ma'ash; as the Diwan had a great power."²

Probably Muhammad Salih owed his appointment to his high descent,⁴ (as Gadai was despised for his rather obscure lineage) and his availability on the spot, when Gadai left the court with

1. Badau'ni, II, p. 62.

2. Auqaf: Auqaf is the plural of waqf, which legally means 'detention'; but in Islamic law it means (a) State lands which are inalienable and used for charitable purposes; and (b) pious endowments. In India we are generally concerned with the second meaning, and waqf is thus a pious endowment which is inalienable and therefore supposed to be perpetual although in actual practice, this quality of 'perpetuity' is cut down by several limitations. wMeli

The first waqf was made by Umar, the second Caliph.

The origin of the waqf is to be sought in the strongly marked impetus to charitable deeds which is characteristic of Islam. The Arabs found in most conquered lands, endowments for churches, monasteries, orphanages and poor houses. The impetus to endow property 'in the way of God' increased gradually. In the centuries that followed. Shops, warehouses, stables, baths, mills, agricultural establishments as gardens and farms etc. came to be endowed by way of waqf.

Raynes (Outlines of the Muhammadan Law) pp. 262-66.

3. Badau'ni, II, p. 62.

4. Ibid, about his descent we are told:

Bairam. Whatever the reason for his appointment, Muhammad Salih was not equal to the occasion. He could not make a mark on the administration and dishonest practices consequently became rampant. The next Sadr, Shaikh 'Abd-un-Nabi was appointed to rectify these abuses.¹

Shaikh 'Abd-un-Nabi, who was appointed Sadr-us-Sudur in 971 A.H./1563 A.D., was the grandson of Shaikh 'Abd-ul-Quddus of Gangoh,² a great saint of the Chishti-Sabiri order. Shaikh 'Abd-un-Nabi himself was a man of learning. He had studied traditions in Hijaz with some of the distinguished jurists of Mecca and Medina. His ancestors were eminent mystics inclined towards the esoteric discipline; he, however, adopted the orthodox school himself and joined the circle of externalist scholars. His father³ had written a treatise on the legality (ibahdat) of Sama' (audition)

1. A'in-ul-Akbari, I, p. 166.

After the removal of Muhammad Salih from the Sadarat, we are left in darkness about his life for nearly twenty years. Again his name crops up in connection with the rebellion of Muzaffar Gujarati. When I'timad Khan was appointed governor of Gujarat, Muhammad Salih accompanied him as one of the Jagirdars. When Muzaffar Khan came to grips with Qutbuddin Khan at Baroda, Muhammad Salih was with him in the fort. When Qutbuddin had to surrender the fort to Muzaffar Khan Muhammad Salih was treated kindly by the rebel. "To Khvajgi Muhammad Salih, a former Sadr.....he for a feeling of generosity granted his life, and allowed him to go to pilgrimage." Badauni II, p. 330. After this all traces of Salih are lost.

2. For the life of Shaikh Abd-ul-Quddus see Akhbar-ul-Akhyar pp. 222-223; M.I.C. Alig. Vol. I, No. 1, footnote.

3. Akhbar-ul-Akhyar, p. 222. Badauni gives his name as Shaikh Ahmad. A farman dated 973 A.H. also had Shaikh Abd-un-Nabi, son of Ahmad-ul-Hanafi. (copy of farman dated 983 Hist. Dept. A.M.U. Aligarh).

parties of the mystics), 'Abd-un-Nabi refuted the views of his father in a separate treatise. Shaikh Abdul Haq says that through this treatise, he became the cause of trouble to many people.

(لا سمحات اذا وقلت بشارته). The Sama' controversy, however, made him famous in the orthodox circles.¹

Shaikh 'Abd-un-Nabi was appointed on the recommendation of Muzaffar Khan, the Diwan. Recording the appointment of Shaikh 'Abd-un-Nabi, Abul Fadl says, Akbar wanted an ideal Sadr (He enumerates the qualification of an ideal Sadr) "... and he was in search of one who was adorned with the qualities above mentioned or who was eager in the pursuit of them. Muzaffar Khan, who had the control of affairs, appointed Shaikh 'Abd-un-Nabi to the high post at the instance of misjudging panegyrists and prattlers and then reported the matter to His Majesty, and requested to confirm him therein. The lord of the age....relied upon Muzaffar Khan's knowledge and made appointment....."²

1. Akbar-ul-Akhyar, p. 222.

2. Akbar Nama, II, pp. 247-48. It is interesting to note that, Abul Fadl puts the responsibility of 'Abd-un-Nabi's appointment on Muzaffar Khan. Perhaps this was due to the fact that later 'Abd-un-Nabi became very unpopular with Akbar; and 'Abul Fadl did not like to blame Akbar for 'Abd-un-Nabi's appointment who was very unpopular with the family of Shaikh Mubarak.

Badauni, recording his appointment says that 'Abd-un-Nabi was summoned from Andri, Karnal and appointed Sadr-us-Sudur (the wordings of the text makes out, it was Akbar who made the appointment) to distribute subsistence with the help of Muzaffar Khan. Badauni, II, p. 71.

'Abd-ul-Haq writing about his appointment says: The Emperor wanted a Sadr at that time, who should be learned and honest; so 'Abd-un-Nabi came to occupy the Sadarat, in 971 on recommendation, through some reasons. (ba tavassut baz asbab a vasail) Akbar-ul-Akhyar, p. 222.

With the appointment of Shaikh Abd-un-Nabi a new era began in the history of Sadarat. He held the post till 987/1570, when he was banished to Mecca.¹ During the fifteen (or 16 years) year of his Sadarat, his power and position waxed and waned in a phenomenal way. At one time he enjoyed so much authority that a contemporary historian was forced to acclaim that never before in the history so much power was wielded by the holder of this post.² At that time, 'Abd-un-Nabi was greatly respected by the Emperor, who had great confidence in him. But 'Abd-un-Nabi did not fulfil the expectation of the Emperor and when he died he was respected by no one and was scorned by the Emperor.³

The rise of Shaikh 'Abd-un-Nabi began soon after his appointment which synchronizes with the time when Akbar was engrossed in religion and was spending much of his time in devotional prayers and was keenly interested in formal religion. 'Abd-un-Nabi who represented the same attitude towards religion, soon gained ascendancy over the Emperor. The Emperor's regard and

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So we see that even Shaikh 'Abdul Haq does not mention the role of Musaffar Khan in his appointment. As Shaikh Abd-un-Nabi had become a well known personality after his controversy with his father, so probably Akbar came to hear of him, and appointed him to the Sadarat.

1. Akbar Nama, II, P. 247. Badaun'ni, III, p. 81.
2. Badaun'ni, III, pp. 206-206.
3. Ibid, II, pp. 211-12.

respect for him considerably increased his prestige and he came to wield great authority. Describing his influence Badau'ni reports:

"The Emperor, on account of his great reverence and respect for the Shaikh used to go to his house from time to time, to hear lectures on traditions of Prophet, and once or twice he even stood before him without his shoes, and made the eldest prince attend his school to learn the forty 'Ahadith' by the renowned master Maulana 'Abd-ur-Rahman Jami'.¹"

At another place we are told:

"For sometimes the Emperor had so great faith in him as a religious leader that he would bring his shoes and place it before his feet."²

The influence of 'Abd-un-Nabi' was more tangible than the mere show of it. He was the head of Ahl-i-Sa'adat and incharge of all the religious affairs. As Akbar had great confidence in the Shaikh he invariably consulted him on all state matter.³

Some incidents of the period testify to the great authority of Shaikh 'Abd-un-Nabi' and the influence that he exercised on Akbar. It was the Shaikh who secured pardon for the Khan-i-Zaman

1. Badau'ni, II, p. 204.

2. Ibid., III, p. 80.

3. Akbar Nama, III, p. 234.

after his second rebellion.¹

Abd-un-Nabi adopted stern measures against all those whom he considered guilty of deviating from orthodoxy or of introducing any innovation or uttering anything heretical. The contemporary chronicles have recorded the following cases:

1. Khidr Khan Sherwani, who was killed for blaspheming the Prophet.²
2. Mir Habsah, who was suspected of being a Shi'ah,³ and was, on that score put to death.
3. Mirza Muqim, a Shi'ah was sentenced to death by 'Abd-un-Nabi. It was a case of religious persecution or had some political significance also can be decided only after a detailed study of the case is made.

One day, in 1668-69, Qadi Habib, a sunni fanatic, came across a bigoted Shi'ah while riding in Srinagar. On their encounter they began to abuse each other's religion (the provocation which started them is not known). This led to a physical encounter in

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1. Akbar Nama, III, p. 208, 312-314. When the Khan-i-Zaman had rebelled for the first time he was forgiven on the intercession of Mun'im Khan. But on his second revolt when the Khan-i-Zaman requested Mun'im Khan to intercede for him, he dared not appeal to the Emperor. So approach was made to 'Abd-un-Nabi, Mulla 'Abdullah Sultanpuri and Mir Murtaza Sharifi to gain pardon for the rebellious Khan. As Akbar had great respect for the religion these persons succeeded in their mission.
 2. Badau'ni, II, pp. 266, 262.
 3. Ibid., II, p. 266. The details of the two cases are not available. Badau'ni referring to the mutual jealousy of 'Abd-un-Nabi and Makhdum-ul-Mulk says, 'And Makhdum-ul-Mulk wrote a treatise, to the effect that Shaikh 'Abd-un-Nabi had unjustly killed Khidr Khan Sherwani, who had been suspected of, blaspheming the Prophet (peace be upon him), and Mir Habsah, who had been suspected of being a Shi'ah....."

which Qadi Habib was badly wounded.¹ The matter was brought to the notice of Husain Shah Chak who convened a council of 'Ulama, including Qadi Musa, Mulla Yusuf Almas and Firoz Ghanai to consider the matter. The 'Ulama pronounced the verdict against Yusuf and condemned him to death. This extreme punishment was not approved even by Qadi Habib who argued that since he had survived the injuries there was no occasion for the execution of Yusuf. This execution, as was natural, caused great resentment amongst the Shiah divines of Kashmir. Some of the Sunni 'Ulama also did not approve of the decision, contending that none of the four schools sanctioned death penalty for the offence committed by Yusuf.

It was at this time that Mirza Muqim reached Kashmir as Akbar's envoy. Husain Shah Chak referred the matter to him. At his instance a council of the prominent 'Ulama of Kashmir was again convened. It included many of those who had participated in the earlier one. Qadi Musa had only left the city. Qadi Dhain Uddin and Mulla Hazi questioned Mullah Yusuf Almas and Mulla Firoz as to

1. Tabaqat-i-Akbari, III, p. 494.

Dr. Mohibbul Hasan says the provocation was from the side of Qadi Habib who started vilifying the Shi'ite and Yusuf retorted by abusing the Qadi. Thereupon, Qadi Habib struck him with the whip. Yusuf retaliated by wounding him with the sword.

Kashmir under Sultans, p. 166.

^{SAME}
Farishta discussing the point says, it was Yusuf who took up the initiative. As to the cause of this unprovoked attack we are told:

"This attack arose out of no other cause than the animosity which existed between the two sects."

Farishta.

the justice of the penalty of death inflicted on Yusuf when Qadi Habib was not killed. They replied that they had given their verdict at the suggestion of Husain Shah, who wanted Yusuf's execution on account of political reasons and had sent them words through Ali Koka. But the Sultan denied having had any thing to do with the affair, except that he did not decide the case himself and handed it over to the Qadis. In the end the 'Ulama decreed the execution of Mulla Almas and Firoz Ghanai.

Mirza Muqim returned to Agra accompanied by Husain Shah's envoy, Yaqub Mirza, a Shiah. They had brought valuable presents from the Sultan and his daughter who was to marry prince Salim. Akbar had already been apprised of the Kashmir episode by Mirza Aziz Koka. The execution of three persons was not enough to satisfy the zeal of the narrow-minded 'Ulama, so the drop scene came with the condemnation of Mirza Muqim to death, at the advice of 'Abd-un-Nabi and other 'Ulama of Fatehpur.¹

1. Tabaqat-i-Akbari, III, p. 494.

Badauni has given an entirely different version of the case: "In this year (1570)," he writes, "the Emperor had Mirza Muqim of Isfahan with a certain person named Mir Yaqub of Kashmir put to death on the charge of being Shi'ahs." Continuing the narrative, Badauni tells us that Mirza Muqim who was a violent and zealous Shiah had come to Akbar's court, who sent him as wakil to the court of Husain Shah. "At that time a number of zealous Shi'ahs had in their bigotry wounded Qadi Habib, who was a zealous Sunni. It happened that the said Qadi was still living when Husain Khan of Kashmir on the decision of the Mufti ordered the assassin to be put to death. Mirza Muqim on his own responsibility, handed over the Mufti. On the charge of "why did they issue a mandate for the execution of that person, though he might be deserving of punishment?" to a certain person, who was a violent and furious bigot; and he put to death three or four of them. When Mirza Muqim and Mir Yaqub,

These three cases of blasphemy, heresy and hadd apart in which 'Abd-un-Nabi gave proof of his narrow mindedness, another case of condemnation for innovation associated with his name is that of Shaikh Mubarak, father of Faidi and Abul Fadi. Both Abul Fazi and Badau'ni have given the details of this case.

Shaikh Mubarak was suspected of ¹Mahdavi leanings. During the reign of Salim Shah, he had supported the cause of Shaikh

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the kakil of Husain Khan, brought the daughter of Husain Khan to court as a sort of present, this story was represented to the Emperor, and these two persons, upon the decision of Shaikh 'Abd-un-Nabi and other 'Ulama, who were his family, were brought to the just punishment of their wicked deeds in the plain of Fatehpur.

Badau'ni, II, pp. 124, 125.

Referring to the execution of Mir Yaqub, Dr. Muhibbul Hasan remark, ".....It is not improbable that Akbar in a fit of anger may have also put to death the envoy of Husain Shah."

Kashmir under Sultans, p. 167.

But this easy explanation for the execution of an envoy which is unlawful according to every code of morality, does not satisfy a student of history. Badau'ni's reference that he was put to death as he was a Shiah is also not convincing.

1. Mahdivism: ".....It has been commonly accepted among the masses of people of Islam that as the ages have passed, that there must needs appear in the end of the time a man of the family of Muhammad who will aid the Faith and make justice triumph; that the Muslims will follow him and that he will reign over the Muslim Kingdoms and be called a Mahdi."

The Encyclopedia of Islam, III, p. 112.

In different times and countries people have laid claim to their being the Mahdi, and credulous people had supported their claim. The first to be welcomed as Mahdi was Muhammad al-Hanafia, a Son of 'Ali.

The Shi'ite believe that the last of the Imams, Mahdi disappeared in the third century of Islam, and that he has been 'occulted' and hidden from the eyes of mankind.

The period following him saw the declaration of many, of their being the long awaited deliverer. In India also, several people laid claim to their being the Mahdi.

But with Muhammad of Jaunpur's declaration a new chapter opened in the tradition of Mahdavi Movement. He tried to restore the spiritual purity of Islam.

'Alai, a Mdhavi leader. During the reign of Akbar, Shaikh Mubarak settled at Agra and set up a madrasah which brought great fame and popularity to him. Shaikh Mubarak's unorthodox views attracted the attention of the orthodox 'Ulama, and the machinery of the Ihtisab came into action. But, when Muntasib came to Mubarak's house to take him to the court he had already escaped with his two elder sons. Abul Khair, his younger son, was brought to court. In the meantime, Mubarak sought the intercession of Shaikh Salim, the famous Chishti saint who advised him to withdraw to Gujarat. However, through the intercession of Mirza

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Saiyid Muhammad who was born in 947 A.H./1543 A.D. was the son of Saiyid 'Abdullah, popularly known as Saiyid Khan, a disciple of Shaikh Danial Chishti. Saiyid Muhammad was a great scholar and had travelled in Islamic lands. He proclaimed himself Mhdi at the age of 42. He gained a number of adherents by his preachings, including some ruling princes of India. His followers credited him with the power of working miracles. For a time the Mdhavis were allowed to profess their faith unmolested, and add to their number by proselytising; but in the reign of Musaffar, Sultan of Gujarat they were persecuted and many were put to death.

Mhdivi Movement continued even after the death of Saiyid Muhammad. Shaikh 'Alai was a great supporter of Mdhavi doctrines in the reign of Islam Shah. Mulla Mahdum-ul Malik poisoned the sultan's ear against him. Shaikh 'Alai lost his life due to his Mdhavi leanings and the hostility of the court 'Ulama.

MIS, (Vol. I, July 1960, No. 1) pp. 10-23; Encyclopedia of Religion and Ethics, III, pp. 236-38.

Aziz Koka, Mubarak succeeded in allaying the doubts about his religious views.¹

This policy of persecution did not last long. Akbar was gradually evolving a policy of toleration. This attitude of intisah for every ones religious beliefs could not continue. The Emperor was already conscious of the differences of opinion among the 'Ulama. He wanted them to discuss over their differences. '.....for these urgent reasons he had the very cell of Shaikh 'Abdullah Niyazi Sirhindi (who had formerly been a disciple of Shaikh Islem Chishti, but had after wards joined the circle of Mandivis) repaired, and built a spacious hall on all four sides of it..... He named that cell, 'Ibadat Khana'.²

In the beginning only few selected ones were invited to this Hall of Discussion. These invitees represented the various shades of opinion in the fold of Islam. But soon their ambitious character and want of decency and decorum, so necessary for all academic discussions, converted the 'Ibadat Khana' into a mental

1. Badau'ni, II, pp. 198-199; A'in, III, p. 492 et seq.

Badau'ni remarking on Aziz Koka's role says: "seeing Salim took no interest in him, Shaikh Mubarak applied to Mirza Aziz Koka, who took occasion to praise to the Emperor, the Shaikh's learning and voluntary poverty, and the talents of his two sons, adding that Mubarak was a most trustworthy man, that he had never received land as a present and that he himself could not see why the Shaikh was so much persecuted. The Emperor at last gave up all thoughts of killing the Shaikh. Badau'ni, II, pp. 201 - 202.

2. Badau'ni, II, pp. 201-202; 203-204, Zubdat-ut-Tawarikh, II f. 196.

wrestling ground. Here the 'Ulama, instead of helping the Emperor in reconciling the various conflicting view-points, indulged in a war of wits and sacrificed the fundamental principles of Islam at the altar of their ambitions.¹

The 'Ibadat Khana' also played an important role in the career of Shaikh 'Abd-un-Nabi. It brought him into prominence as the leader of a powerful group, but alternately it paved way for his downfall also. The early discussions of 'Ibadat Khana' only enhanced the prestige of 'Abd-un-Nabi.² Abul Fadi and Badau'ni have given in detail the reports of the 'Ibadat Khana' meetings. It becomes quite evident from these reports that the 'Ibadat Khana' only decided the fate of religious leaders, but did nothing to settle the controversial points of religion - the purpose for which it was set up. Many people who later rose into prominence at the court of Akbar, first won their laurels here. The fall of the former important 'Ulama' was also brought about in the 'Ibadat Khana'.³

The 'Ibadat Khana' which had soon degenerated into a place for giving expression to feelings of malice and jealousy against the various groups of contending theologians first led to the fall of Makhdum-ul-Mulk, Mulla 'Abdullah Sultanpuri. It added to the laurels of Shaikh 'Abd-un-Nabi and satisfied his

1. Badau'ni, II, pp. 203, 206, 266; Akbar Nama, III, p. 113.

2. Badau'ni, II, p. 202; Zubdat-ul-Tawarikh, II, f. 204.

3. Ibid., pp. 203, 206.

vanity. But soon afterwards when the marriage question came up for discussion, the prestige of Shaikh 'Abd-un-Nabi was lowered in the eyes of the Emperor. One night the Emperor enquired from the 'ulama: 'How many free-born women may a man legally marry. The 'ulama fixed the number of legal wives at four. The Emperor had already passed that limit. He wanted the 'ulama to suggest some legal way to justify his action. All the experts expressed their opinion about the problem. The Emperor remarked that once 'Abd-un-Nabi had told him that one of the Mutahids had nine wives. The 'ulama remarked that the Mutahid referred to was 'Abi Laila and that some had even allowed eighteen wives by too liberal an interpretation, but that interpretation was rejected. Akbar sent a messenger to verify 'Abd-un-Nabi's opinion, who replied that he had merely wished to point out that a controversy exists on the point among the lawyers, but that he had not given a Fatwa. Akbar did not like this answer. "The Shaikh", he said, "told me a very different thing at that time to what he tells me now."¹

This, in fact, did much in discrediting the Shaikh in the eyes of the Emperor. The authority of the Shaikh suffered a lot after that. The ^BMadar of 1579 ended not only a phase of 'Ibadat Khana discussions, but also completed the disgrace of Shaikh 'Abd-un-Nabi.²

The Sadarat of 'Abd-un-Nabi is famous for the changes and reforms which Akbar introduced in the organization of the

1. Badau'ni, II, pp. 209-10.
2. Ibid, p. 267.

department and the Madad-i-Ma'ash ^{holdings} /during this period. During his term of office, 'Abd-un-Nabi had great power in the matter of grants which he lavishly distributed to the 'whole world'.¹

'Abd-un-Nabi as the chief Sadr, was busy granting Madad-i-Ma'ash when an imperial Farman added new lustre to his power. Aimadars were ordered to bring their grant orders for inspection and verification to the Sadr.² In 983 A.H./1675 A.D. the Karoris³ were ordered not to recognise the grants unless they were confirmed by the Sadr. This resulted in a rush of the grantees to the capital to renew their grants. The grant-holders suffered greatly during their journey, and also at the capital. They would have been easily reconciled to, and forgiven the hardships if they had gained their purpose; but unfortunately, Saiyid 'Abd-ur-Rasul, charge d'affair (wakil) of Shaikh 'Abd-un-Nabi messed the affairs to the inconvenience of the Sadr. Badau'ni records:

"If any of them (Aimadars) had a powerful protector in any of the grantees or the near relations of His Majesty, he could have his affairs settled; but those who were destitute of such recommendations had to bribe Saiyid Abd-ur-Rasul, the Shaikh's head man, or made presents to his farrashas, darbans (porters), sevces

1. Badau'ni, II, p. 71.

2. Ibid., II, p. 204.

3. Ibid., II, p. 189; Gandhari, p. 177.

In 981 A.H./1673 A.D. Akbar separated tracts yielding 1000 karor of dams, and appointed karoris to superintend and manage them. The Karori was assisted by the Kotadar and Karkun. They were ordered to measure the whole area cultivated and uncultivated, in their part of the country and (am) demarcate them.

(grooms) and mahtars (sweepers) in order to get their blankets out of the mire."¹

As was natural, many lost their lives during the journey or when they gathered at the capital. Badaun'ni laments at the lack of respect for the learned on the part of the Shaikh, and his reduction in their grants. Dr. Tripathi remarks on this, "'Abd-un-Nabi did not show his usual generosity probably because he was instructed by the Finance Minister not to be too lavish in grants."²

Although 'Abd-un-Nabi treated the reverent people ungenerously in matters of grant, he did not give up charity altogether. Badaun'ni tells us very sarcastically, that the Shaikh conferred land on 'illiterate', men of no renown and 'even Hindus'.³ Commenting on the above statement Dr. Tripathi says:

"'Abd-un-Nabi is charged with conferring lands on 'illiterate' and men of no renown and 'even Hindus'. In all likelihood he was following this policy under the instruction of the Emperor who, without meaning any insult

1. Badaun'ni, II, pp. 204-205.

Badaun'ni has drawn the picture of indignities, which the nobles had to suffer at the hands of Shaikh 'Abd-un-Nabi when they went to inter-cede for the poor:

در همین دیوان خانه چون آمد از دم روز بر کرسی غریب نشسته و ضوی ساخت قطرات
آب سسمل لوله بر سر سروری و جامه ای کپلر و مفریان بلند بر تنه می انداخت
و هیچ تخاصسی از آن نداشت و ایشان از جهت کمر سازی قطران آن صحن را
بر می داشتند - بدایونی ص ۲۰۲ - ۲۰۶

2. Rise and Fall of the Mughal Empire, p. 245.

3. Badaun'ni, II, pp. 204-205.

to any holder wanted to make room for deserving men with as little burden on the exchequer as possible."¹

This new turn in the affairs was surely at the instance of the Emperor. Akbar was a political realist and his policy was based on a careful analysis of the situation. He had conquered new territories and had considerably extended his dominions. He was determined to maintain this extensive Empire not by the strength of the sword but by a policy of peace and good will.² This good will could be easily gained by the grant of rentfree land. Hence the grants to the Hindus,³ Parsees of Gujarat⁴ and the people of newly conquered territories etc.⁵

The changed policy of the State in matters of grant, Shaikh 'Abd-un-Nabi's arrogance, and dishonesty of his servants caused

1. Rise and Fall of the Mughal Empire, p. 245.

The conception attached to the Madad-i-Ma'ash was that it was given to scholars to relieve them of their financial needs, and facilitated their acquisition of learning. But the account of Abul Fazi about the eligibility for such grants makes clear that Akbar did not confine them to the 'ulama only. Hence 'Abd-un-Nabi's grants to all sorts of people. Discussing the same point (eligibility to grants) Dr. Irfan Habib says: When Akbar began to formulate a new theoretical basis for imperial sovereignty in India and embarked on his policy of religious tolerance, it was inevitable that he should enter into conflict with this class ('ulama). The extreme liberality of his early years now gave place to successive measures to control and curtail the madad-i-ma'ash grants held by Muslim theologians. The benefits of the grants were at the same time extended to non-Muslim divines."

The Agrarian System of Mughal India, p. 310.

2. Akbar Nama, II, p. 23., III, p. 223.

3. Badauni, II, p. 204.

4. Parsees at the court of Akbar, Appendix, pp. 91-132.

5. Some Farmans, Sanads and Parvasas.

great confusion in the department. It was natural these conditions should affect the morale of the grantees. Some of them taking advantage of the situation extended their holdings. When the mismanagement of grants and the avarice of the grantees was reported to Akbar, he decided to take remedial measures promptly. In 986 A.H./1577 A.D. started a period of inquiry, adjustment and reform in the grant holdings and the institution of Adarat, which continued throughout the reign of Akbar.¹

The first step was taken when Akbar decided to make personal inquiry in the grants as some stories of Shaikh 'Abd-un-Nabi's favouritism and his Wakil's dishonesty reached the Emperor and "a cloud came over the reliance which His Majesty placed upon Shaikh 'Abd-un-Nabi." In 986 A.H./1577 A.D., when passing through Gohana, Akbar ordered Shaikh Farid Bukhari to present before him the Amadars of that country. Akbar wanted to examine the suitability of their grants.² Farid Sirhindi has given the details of the inquiry made into his own grant at Sirhind. On his return from Kabul Akbar chanced to pass through Sirhind. When he presented himself at the camp, Akbar inquired about the ownership Muqaddam of the place/of the grant and garden. The Muqaddam informed the Emperor that the grants belong to Mulla 'Ali Sher. As the statement of the Muqaddam implied that Mulla 'Ali Sher was dead, the next inquiry was about the successor of 'Ali Sher and the extent of the grant. The answer was that the land was owned by the son of the deceased, i.e. Farid Sirhindi; the area of grant

1. Akbar Nama, III, pp. 233,

2. Ibid., III, pp. 234; Sirhindi, ff.147b-148a.

was 1000 bighas. Out of this 100 was arable. The next question was about the learning and competence of the owner and the name of the donor. The Munaddam said that the son of the original grantee was as learned as the father, and that the grant was made by the Sadr. Akbar was not satisfied. He sought confirmation of this information from Cadi Jalal Uddin Multani and Haji Ibrahīm Sirhindi. And then he made a new grant.¹ a^

Though in the particular case of Faizi Sirhindi there was no fraud; Akbar's personal investigations convinced him that the reports against the Sadarat were not altogether baseless. Raja Birbal and Muzaffar Khan were sent to Jalandhar to prepare a list of the needy and deserving people of the place.²

As Akbar became convinced of the inefficiency of the Sadarat, he decided to curtail the power of the Sadr. To achieve his aim and to introduce efficiency, he decided to appoint Provincial Sadrs. The first appointment under the revised scheme was that of Mullān 'Abdullāh Sultanpuri. He was appointed to the Sadarat of the Punjab in the 22nd regnal year (1577).³ m

As the Emperor did not like to discredit 'Abd-un-Nabi publicly, he said that it was impossible for a single man to discharge all the duties of the office of Sadr.

1. Sirhindi, f. 147b-149a.

2. Akbar Nama, II, pp. 248. 357.

3. Sirhindi, f. 147b-148a; Akbar Nama, III, p. 234. Gandhari, p. 213 (237).

(از انجا که طاعت پاک خلیفه الهی بود بی و مروره حسین و مختار است بود.
از کلا لو (شیخ عبداللہ) ناگزشت فرمودند کہ یک کس از محکم کلا مشاغل
بسیار ہم نمیتواند رسید)

so it was necessary to decentralize some of the work and appoint
trusted men in every Province to perform the duties of the Sadr.

(خلیفہ این منصب والا لایق جهان بی تسلط کہ در مرموعہ بودی مختار طریق گردد
باشد کہ بتدوین خدا بحق رسد)

It means that Akbar introduced this reform as much to curb
the power and authority of the Sadr and introduce efficiency in
the department as to spare the people of far lung parts of the
Empire the strain and stress of long journey to the capital for
the renewal of their grants.¹

In 985 A.H./1578 A.D. a new change was introduced in the
Aima grants. Akbar was informed that the holdings of grantees
were scattered and were not at one and the same place. This
resulted in great inconvenience to those whose lands lay near the
Khalsa or the Jagir lands. They were exposed to vexations and
their grants were encroached upon by the state officers and
Jagirdars.² Abul Fadi remarks:

"They (fraudulent Khalsa officers and Jagirdars) looked
upon the differences in localities as a means of fraud
and so fell into eternal ruin. The just lord ordered
that the Aima land should not be mixed with the Khalsa
and Jagir lands. He also abolished the plurality of

1. Sirhindi, ff. 147a-148.

2. A'in, I, p. 160.

the situations and assigned to each in a particular place his tankwah."1

Badau'ni has given some more details about this beneficial reform. When in 980 A.H./1578 A.D. Akbar appointed Sa'id Khan to the government of the Punjab, he appointed Qadi 'Ali Baghdadi to mark out and adjust the boundaries of grant-lands in the Punjab and elsewhere. Akbar issued an order for the abolition of the old boundaries and the demarcation of the new ones in such a way that the grant-lands were put in the shape of separate villages. Thus different kinds of land was segregated, and "all this was done inspite of Shaikh 'Abd-un-Nabi and the dishonesty of his subordinates."² The actual Faran issued in this connection is available at the Central Archives, Allahabad. It may be considered as in original as it elucidates the statements of Abul Fadi and Badau'ni. It runs as follows:

مولا اکبر

فرمان سلطان شرف نظام سلطنت که چون از شرکت حال خالصه شریفه و
جاکویداران محکم عظام ذوی الاحترام لشکر سی رست بنامین محروک از
ایده حق خیرت بکس تعلیل کورویان و جاکویداران و متصدیان مهمات حالک محروک
لوائس مدد حاکم محکم محروک را از جسد موضع که مناسب دانست بتمام

1. Akbar Nama, III, pp. 240, 343.

Referring to the same matter Qandhari says that Akbar issued an order to the effect that after taking consideration of the accidents (nabud); property (malak) and Aina (grant-land) ~~land~~ were to be confirmed to the owners. By this method the Aina land was separated from the land of the Rayat. Qandhari, p. 177.

2. Badau'ni, II, p. 264; Qandhari, p. 177.

و کمال بلا شرکت خالصه شریفه و جاگیردار تقاضا نماید باین طریق که اراضی
یک موضع را به موجب فرمان عالی شان که در دست داشته باشند قطعه
قطعه چک بستانند تقاضا بخدمت آن برگه نمایند و اگر آن موضع براضی
داد حاکم بخدمت آن برگه و نامه کند بعد ازان موضع دیگر را به همین دستور
تقاضا نمایند بتمام که بقای اراضی بدهد حاکم بخدمت آن برگه بن داده
شود و هر کس از بخدمت در موضع از مواضع آن برگه مسجد و چاه و خانه
و چاهال و باغ و مثل آن داشته باشند بدهد حاکم مشارالیه را در حضان
موضع تقاضا بدهد و همه اراضی آن موضع را به هر یک بخدمت بن نمایند و اگر
کسی در برگه ساکن باشد و در برگه دیگر بدهد حاکم داشته باشد بتمام
که سند مجدد نیارد او را در آن مدخل بدهد مگر آنکه برضا و رغبت خود
اگره و اسیر ترک آن برگه نبوده در برگه که بدهد حاکم داند ساکن بشود
بر در مشاغل دین احوال کمال سعی بجهت آورند و بیرون رود طویل مبلغ از
هر برگه درست ساخته برگه عالم بدهد فرستد

تحریر فی القلین ۲۴ ربيع الثانی سنه ۱۲۸۱

"An auspicious Farman was promulgated that as through the Khalas officers and the Jagirdars, the respected Makhadims are put to distress, it is ordered that from the beginning of Kharif Harisiel, Karoria, Jagirdars and the superintendents of state matters should put aside some Mauda's as Madad-i-Ma'ash for the Tankhwan of the respected ones (Makhadim), separated from Khalas and Jagir. According to the grand Farman, the land available in one Mauda' should be partitioned, demarcated and apportioned (Tankhwan) to the Makhadim of that pargana. If the Mauda' be not sufficient for the Madad-i-Ma'ash of the deserving people & that Pargana another Mauda' should be apportioned in the like

manner, and so on to suffice all the Makhadim. If any person had a mosque, a house a garden, a chal, etc. in any Mauda's of the Pargana, he should be given his Madad-i-Ma'ash in that territory and the remaining area of that Mauda's be distributed to the Makhadim. If a person resided in one Pargana, and his grant was in the other and he did not possess the renewal order of that grant, he ought not to be given the possession, but that he should willingly give up that area and reside in the other having his grant. In these matters great exertion should be made and the correct registers (consisting of the name of grantees, locality of grants, etc.) should be sent to the court." 27th Rabi II, 986 A.H.

The following arrangements were expected from the order:

1. Consolidation of the Madad-i-Ma'ash areas into separate villages. Thus the grantees were to be protected from the encroachment of the Jagirdars and the state officials.¹
2. The grantees had to live on their Madad-i-Ma'ash land, and no-where else. This meant personal management of the grant by the beneficiary.

This Farman heralded a change in the management of the grants, and indicated the extent to which the Emperor took

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1. The order was not always acted upon. A document dated 1001/1592 tells us of a grant in pargana, Amethi to Shaikh Islam and Shaikh Abu Bakr in which confusion existed because the grant was mixed with Khalas. Allahabad Document No. 180. The encroachments of the government officials continued even after the Farman of 980 is proved by a document dated 1019/1610. This document tells us about a grant of 520 hissas to Shaikh Habibullah with brothers at the Mauda's of Darapur and Muhammadpur etc. Some officers out of enmity took away some land from the chak of the grant by force. After the complaint the grant was remeasured & correction was made in the grant. Allahabad Document, No. 36

interest in the Sadarat activities. Akbar was constantly informed of the inefficiency of the department. He has instituted inquiries and introduced reforms. But Snaikh 'Abd-un-Nabi was still in the good books of the Emperor and his influence was on the increase.

While testing the suitability of the grants, not only the dishonesty of the Sadarat officials came to light; the fraud of the Ain-holders was also unearthed.¹ Akbar issued an order in 1587, to the effect that all those grantees who possessed more than 500 bighas of land should present their Farmans before the Emperor. In default they were to lose their land.² The grant-holders, excepting Irani and Turani women, were commanded to take 2/5 of the land if they possessed more than 100 bighas and 3/5 of the excess was to be annexed to the Khalsa.³ Badau'ni remarks; "The learning the people had acquired became the cause of their ruin."⁴ But infact it was not the learning which proved the undoing of the Ain-holders. Their greed disgusted the Emperor. Besides, there were certain malpractices also which brought about their doom. Some of them used to leave their lands and fraudulently to

1. A'in-i-Akbari, I, p. 166.

2. Badau'ni tells us that Qadi 'Ali who had been appointed to check the grants presented the Ainadar who held the land from 1000 & 500 to 100 bighas at the court. So drastic a reduction was made in their grants that the position of the holder was effected. Badau'ni, II, p. 274.

3. A'in-i-Akbari, I, pp. 166.

4. Badau'ni, II, p. 279.

possession of new places without any title. Akbar issued an order to the effect that every person who would leave his place would lose $\frac{1}{4}$ of his land.¹ The Emperor was also disillusioned about the piety and learning of the 'Ulama.² He interned some of them in the fort of Ranthambhor and banished others to Bengal and Bhakkar.³

By indulging in mutual recriminations 'Abd-un-Nabi and Makhdum-ul-Mulk Abdulla Sultanpuri had thoroughly exposed their piety and learning.⁴ Akbar painfully realized that "they knew nothing of science and had nothing but a long tongue and a vending of stories (Mual faroshi) as is the rule with the ignorant and the prattling. With all this empty headedness they had but a small portion of piety and search for truth, and regarded pride and presumption as their creed."⁵

Shaikh 'Abd-un-Nabi and Makhdum-ul-Mulk were ordered to proceed to Mecca in A.H. 986 (A.D. 1578) under the Mir Hajj Khwaja Yahya.⁶

1. A'in-i-Akbari, I, pp. 166-7.

2. Badaun'ni, II, p. 274; Akbar Nama, II, pp. 267, 248.

3. Badaun'ni, II, pp. 278-78

4. Ibid., II, p. 266.

5. Akbar Nama, III, p. 277.

6. Badaun'ni, II, p. 267. Shaikh could not have left for Mecca in 986 as both he and Makhdum-ul-Mulk were present at the signing of Mandar in Rajab, 987 A.H. (Badaun'ni, II, p. 272) (Tabakat-i-Akbari, II, pp. 623-240; beside Akbar consulted him about Badaun'ni's grant in Raman 987 (Badaun'ni, II, pp. 276-76). Abul Fadl's statement that they were given the office of Mir Hajj (Akbar N. II, p. 277-78) supports the view that as ordered earlier they did not leave for Mecca under the Mir Hajj Yahya in 986, but would have gone the next year, i.e. 987, after Raman.

At the end of A.H. 986 Sultan Khwaja returned from Mecca where he had been sent as Mir Hajj with a caravan of pilgrims.¹ Soon his recitals about the miraculous power of Akbar, won him the Emperor's favour, and he received the title of Iarkhan. When 'Abd-un-Nabi was shipped to Mecca and the post of the Sadr fell vacant he was appointed to it in A.H. 987/1579.² According to the author of Dabistan-i-Madani, Sultan Khwaja was one of the Ilahiyan (follower of the Ilahi cult).³

Akbar divided the empire into twelve provinces in 987 A.H./ A.D. 1579, and in every province he appointed a viceroy (Sinash-salar), a Divan, a Bakhshi, a Mir 'Adl, a Kotwal, a Mir Bahr (Admiral), a Recorder (Wazir Navia) and a Sadr.⁴ The twelve provinces were: Binar, Awadh, Allahabad, Agra, Malwa, Khandesh, Berar, Gujarat, Ajmer, Delhi, Lahore and Multan.⁵ Probably the appointment of provincial Sadr was not completed by 1579 as decided in 1577. But that is certain that some districts⁶ and large towns were honoured by the appointment of Sadr. The contemporary chronicles do not give the list of the provincial Sadr; but here and there references are found to some of these Sadr. Mulla Ma'sum was appointed Sadr of Binar and Shaikh Munawwar of Malwa.⁷

1. Akbar Nama, III, pp. 269-72. Tabakat-i-Akbari, II, pp. 616-17.

2. Akbar Nama, III, p. 282.

3. Dabistan-i-Madani, p. 327.

4. Akbar Nama, III, 263.

5. *Ibid.*, III, p. 282.

6. A'in-i-Akbari, I, pp. 160-67.

7. Badauni, II, p. 284.

Abdulla Sultanpuri had been appointed Sadr of the Punjab in 985/1577 before his banishment.¹ Hakim Abul Fath was appointed Sadr of Bengal, in the 24th regnal year.² Later Shaikh Allan Baksh was given the Sadarat of Bengal.³ Haji Ibrahim Sirhindi was given the Sadarat of Gujarat in 1578.⁴ As to the Sadrs of districts and towns, Mulla Muhammad Amin Yazdi was appointed Sadr of Jaunpur.⁵ It is doubtful, whether appointments were made to all the districts of the Empire. Evidence supports the assumption that the Sadrs were appointed only to the far off provinces i.e. Gujarat, Bengal and Punjab and to the important districts⁶ and large towns.⁷

While new changes were taking place in the Sadarat and the authority of the Sadr was divided, some attention was also paid to the appointment of other officials of the department. Qadis were a part of the Sadarat and they helped the Sadr in his duties. But Akbar soon discovered that the Qadis, like other officers of the state, were not free of avarice. These 'high turbaned' and 'long

1. Candhari, pp. 147-148.

2. Akbar Nama, III, pp. 265.

3. Sirhindi, ff. 176.

4. Akbar Nama, III, p. 264. Badau'ni, II, pp. 277-78.

Ibrahim Sirhindi while Sadr of Gujarat "showed the baseness of his nature and of his folly." Badau'ni enlighten us on his avarice and habit of taking bribery from the grantees. And if they abstained, he escheated their grants. In 1582, on hearing the reports on his character. Akbar removed him from the post. First he was handedover to Hakim A'in-ul-Mulk and later sent to Rantnabore.

Akbar Nama, III, pp. 406-409; Badau'ni, II, p. 213.

5. Akbar Nama, III, pp. 281. Ma'atair-i-Bahimi, I, p. 809.

6. Akbar Nama, III, pp. 364, 383; Badau'ni, II, pp. 277-78; Sirhindi, f. 176.

7. Akbar Nama, III, p. 224.

sleaved' men took bribes from the grantees.¹ He examined the matter and as a result dismissed all the Qadis except those who had been appointed during the Sadrship of Sultan Khwaja.² Among the new appointees was Sa'd Ulla Lahori, who was a greater free thinker than Mukhdum-ul-Mulk. He was appointed Cadi of Bharoch in Gujarat; Mulla Abd-us-Shakoor the Cadi of Jaunpur, and Mulla Ma'sume that of Bihar.³

Akbar not only thoroughly enquired into the credentials of the officers, he strictly dealt with those grantees also who were given to trickery. Akbar had ordered an inquiry into the cases of those grantees who held land in excess of 100 bighas.⁴

The inconvenience to which the grantees were subjected was reported to him.⁵ He summoned the hasbaikh and the 'Ulama to his presence to check their needs. He treated them with consideration, kept them in his company for some times, and gave them some land. Those saints who took disciples and held sama' meetings were banished to Bengal or Bhakkar.⁶ Reshuffling of the grants was also done. The grandsons of Shaikh Addhan were summoned from Jaunpur and sent to Ajmer.⁷

1. A'in-i-Akbari, I, pp. 155-57.

2. Ibid.

3. Badauni, II, p. 282.

4. A'in-i-Akbari, I, pp. 155-57.

5. Badauni, II, p. 285.

6. Ibid., II, pp. 278-79.

7. Ibid., II, p. 306.

Soon afterwards, in 989 A.H./1581 A.D., Akbar thought of a new scheme to ensure more efficiency in the Sadarat, either because the policy about the Provincial Sadr had failed, or it being too elaborate was never wholly put into practice. On his return from Kabul, Akbar turned his attention to the difficulties of the Ajma-holders. While at the Sarai Daulat Khan, he appointed regional Sadr in the 20th regnal year (1581). The whole of northern India was divided into six regions and over each of these units a Sadr was appointed to help the Suyurabai holders, and to diminish the chances of fraud. According to this scheme the following Sadrs were appointed.¹

1. Hakim Abul Fath was given the Sadarat of three important provinces, Delhi, Malwa, and Gujarat, which Badau'ni calls the Sadarat of the capital.²
2. Shaikh Faidi was appointed to the Sadarat of the Sarkars of Agra, Kalpi and Kalinjar.³
3. The area between Hajipur and Saru was allotted to Hakim Humam.⁴
4. The Province of Bihar was given to Hakim 'Ali.
5. Bengal was given to Hakim A'in-ul-Mulk.
6. Qadi 'Ali Baghdadi received the Punjab.

1. Akbar Nama, III, p. 372.

2. Badau'ni, II, pp. 295-96.

3. Ibid., allots the Sadarat of the Doab to Shaikh Faidi. Badau'ni, II, p. 295.

4. Badau'ni says that Hakim Humam was given the Sadarat of the other side of Ganges (آن طرف گنگا) Badau'ni, II, p. 296.

The Emperor further appointed a liberal-minded sage

(یکی از دانش اندوزان بی حساب) as the head of the Qadis (سرکره قاضیان) in every district. The large districts included the four Doabs of Punjab, to each of which a Sadr was appointed.¹ These Sadrs or the head of the Qadis were: Mulla Illahdad of Amroha, Mulla Illahdad Nabavi, Mulla Shan Muhl. of Shahabad, and Mulla Sheri, the poet. Badauni praises the good nature of the first and the fourth and condemns the second and the third.² Some times later Mulla Illahdad of Amroha and Mulla Sheri attended the court in order to thank the Emperor for their appointment,³ (A.H. 991/1583 A.D.). Akbar had realized the great patronage which the Sadr possessed over the learned class; under the guise of lightening the burden of the Sadr, therefore, he undermined his authority.

The late S.M. Edwardes said that in 1581 Akbar abolished the appointment of Sadr-us-Sudur altogether, substituting in its place six provincial Sadrs.⁴ Ibn Hasan considers this statement "incorrect" as no authority is given for it.⁵ The opinion of Edward

1. The rivers which enclose the Punjab are: Indus, Jhelum, Chenab Ravi, and Gharra. The four Doabs referred to are: Sind Sagar, between Indus and Jhelum; Doab of Jeon, between Jhelum and Chanab; Doab of Rechna, between Chenab and Ravi; Doab of Bari, between Ravi and Gharra.

2. Badauni, II, pp. 296-96.

3. Ibid., II, p. 302.

4. Mughal Rule in India, p. 174.

5. Ibn Hasan, p. 269.

is based on the wrong translation of a sentence in Akbar Nama. Referring to the appointment of Sadr and the convenience of the grantees Abul Fagl remarks: 'Mansab-i-vala bar yak kas bar kiraf-¹
land; (منصب والا بر يك كس بر كرفت) this is translated by Beveridge as : 'abolished the single office'.² Here infact Mansab does not signify the office of the Sadr, but the duties appertaining to it, as the sentence following it makes clear:

و بکار دایان مساعد شدی هر د

"and distributed the work among a number of honest and experienced men." Akbar wanted to curtail the power of the Sadr and minimise the chances of fraud and inefficiency. This purpose, could best be served by dividing the authority among a number of regional Sadrs and maintaining the post of the Chief Sadr.³ And this was what exactly Akbar did. Ibn Hasan is also of the opinion that Akbar continued the post of the Chief Sadr through-out his reign, and that the appointment of provincial Sadrs was in connection with the reorganisation of the department, similar to the appointment of Provincial Diwans and Bakhshis.⁴ Akbar took this step so

1. Akbar Nama, III, p. 572.

2. Ibid., Beveridge, p. 641.

3. Parallel to this division of Sadr's authority was the incident of the division of Khalsa lands in four parts in 1592 and appointment of experienced officers to each of them. In this connection Khwaja Shamsuddin was appointed over the provinces of the Punjab, Kashmir, Multan and Kabul, Nizamuddin Bakshi to the provinces of Gujarat, Ajmer & Malwa, Patardas to Delhi and Agra, Allahabad, Bengal & Bihar were entrusted to Ramdas. Akbar Nama, III, p. 606.

4. Ibn Hasan, p. 209.

that the applicants might not be inconvenienced by delay and also that there might not 'be room for fraud'.¹

In A.H. 990/1582 A.D. Mir Faten Ullah Shirazi came from the Deccan and entered Akbar's service and received many favours.² He was directed to inquire into affairs connected with revenue matters and officials in consultation with the vazirs. He worked on that post for some years³ and when, at the death of Sultan Khwaja, the post of the Chief sadr fell vacant he was nominated to that office in 993 A.H./1584 A.D.⁴

When Mir Faten Ullah Shirazi was appointed to the Sadarat, his authority, whatever it remained after its division, was

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1. Akbar Nama, III, 372.

Dr. Tripathi remarks about this situation in the Sadarat.⁵ The decentralization of work was intended to bring more efficiency and better supervision and to avoid the inconveniences of long travels and litigations to the small holders. The Sadrughal reforms were closely connected with revenue reforms. Both went almost side by side. Akbar's policy aimed at distributing charity more evenly and penalising frauds and idleness severely. Rise and Fall, p. 246.

2. Badaun'i, II, p. 326. Mu'athir-i-Bahini, p. 648.

3. Tabaqat-i-Akbari, II, p. 388.

4. Neither Abul Fadl and Badaun'i nor Hizamuddin expressly state that Faten Ullah Shirazi was appointed Sadr at the death of Sultan Khwaja. Badaun'i and Menavandi while recounting the events of the arrival of the Mir say in the same breath that he was appointed the Sadr. Mu'athir-i-Bahini, I, p. 886. But later when writing about his commission in the Deccan they again say that he was given the title of 'Addud-daula and exalted by being made the Sadr, and appointed to the Deccan in 993 A.H./1585 A.D. Badaun'i, II, p. 243. Sultan Khwaja died in the 30th. R.Y. i.e. 993. Abul Fadl says that Sultan Khwaja died in 992 A.H./1584 A.D. Akbar Nama, III, p. 436. Shah Nawaz Khan also follows Abul Fadl, Mu'athir-ul-Umara II, pp. 379-83; Mu'athir-i-Bahini, I, p. 906, this would have led to a vacancy and the appointment of Faten Ullah.

confined "to erasure, in order that he might confiscate the lands of the poor and not give them," says Badau'ni.¹ The affair of the Sadarat, having changed, the Mir was spared easily for the Deccan where he could prove very useful and effective due to his previous experience in the Deccan.² During the Mir's absence in the Deccan, his servant Kamal Shirazi worked as deputy, and presented the landless Amadars before the Emperor, of whom only few had remained.³

..... کالانچ شیراز نوکر اورا برائے ترافدین امیر بطریق الارسی کہ حال حال
ماند، بود در خانه به نیابت نگاه داشتند -

Fateh Ullah returned from the Deccan along with Khan Khanan Abd-ur-Rahim,⁴ in 996 A.H./1587 A.D. During his Sadrship it was ordered that if any one shared his Suyurghal with a partner without any specification in the Farman, the share of the unspecified partner lapsed to the state on his death. However, if the heirs of that unspecified partner applied personally to the Emperor, their share was restored to them.⁵

1. Badau'ni, II, pp. 315-317. Writing about Fatehullah, Badau'ni says:

..... به منصب مداریت که سیاه نویسی پیش نبود اینها را با آن تا زمین نلرا
بود نه آنکه بداند -

2. Tabaqat, II, p. 661; Badauni, II, p. 326; Akbar Nama, III, p. 617.

3. Badau'ni, II, pp. 364, 343.

4. Tabaqat-i-Akbari, p.⁵⁷²; Ma'athir-i-Akbari, I, p. 914.

5. A'in-i-Akbari, I, pp. 166-67.

Gradually the authority of the Sadr, inspite of all his apparent pomp and grandeur, began to dwindle. Matters came to such a pass that he could not grant even 16 bighas of land without the previous approval of the Emperor.¹ He had one power left which he could wield to the full --- it was that of confiscation. The account of Badau'ni makes it clear that the Sadr exercised that authority to the full. Fatah Ullah Shirazi confiscated the (grant) lands completely. These confiscated lands became the dwelling places of animals and reptiles, Though the names of these Sadrs are forgotten the record of their tyranny still remain.²

The idea that the Sadarat officials oppressed the Aimadara is confirmed by the following incident. Once Shah Fatah Ullah Shirazi presented to the Emperor one thousand rupees which his Shindar had collected as surplus from the 'orphans and widows' of the Aimadara. Akbar did not accept the money but returned it

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1. A'in-e-Akbari, I, p. 166. Badau'ni says that the Mir could not grant even five bighas on his own authority. Badau'ni, II, p. 243.
 2. Badau'ni, II, pp. 243.

آخر رفتہ رفتہ کل زمینیں کشتہ کہ شاہ فتح اللہ بآن عزت و جاه قدرت
دادن پنج بیگہ زمین نہ داشت اما لڑائی کل کی بازماندہ بودہ کلیت خیال
می کرد - و آن زمین میان طور مسکن و حواری و سدا م شدہ نہ از ایامہ نہ
از رحمت الحال آن مظالم در تمامہ اصال صدور کہ نالی از ایشان باقی نماندہ
باقی ماند -

to the Mir.¹ Akbar did not approve of such collections. The A'in-i-Akbari refers to such collections and thus records the views of the Emperor on this point:

"On account of the general peace and security in the Empire the grant-holders commenced to lay out their lands in gardens, and thereby derived so much profit that it tempted the greediness of the government officers, who had certain notions of how much was sufficient for Suyurghal-holders, to demand revenue

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1. Badaun'i, II, p. 368. In A.H. 997 Bosawar was given to Shah Fateh Ullah as Jagir, and all the land of the Aimsa of Bosawar was also granted to him, including the Badad-i-Ma'sah of Badaun'i who was given a new grant at Badaun. Then the Shah presented the sum of a thousand rupees to the Emperor which his Shindar had collected from the widows and orphans of grantees as surplus (kifa'it Nasooda), and not on the ground of the disappearance of the grantees, as Dr. Irfan Habib seems to think. (The Agrarian System, p. 306, note 33). The money was collected without any cause (ba tohmat-i-shah; it was the tohmat which was lacking and not the grantees).

پسند فتح الله عند الدوله حكم شد كه بساغر دروېست جاېگوشما باشد
وايه آيه لراس دارند آن همه را بشما بخشيد و تمام مرا برده فرمودند
كه اين جوان براى است بده حساب اواز بساغر تسيور داده به قصور ديد
وداشته در بدليون داديم - شاه فتح الله مقدار هزار روپيه كه شكارى
بملت تطلب و قيمت غائب از بيوهاى ايه و پيمان نامرد برگه بساغر بطلب
و صدق پائين است بده بود در خيطة انداخته بنظر گذرانيد كه حال من
اين را از ايه گاهيت بده اند فرمودند بشما بخشيديم -

taxes (کمربردان سلطنت از روی کلیت اندیشی بهازخواست آوردند) but this displeased His Majesty, who commanded that such profit should not be interfered with.¹ "خدیو عالم این آگهی برآشت و خشنای فرمود."

Shah Faten Ullah Shirazi accompanied Akbar to Kashmir in 997 A.H./ 1588 A.D. There he fell ill and died of fever in the same year.² Faten Ullah Shirazi had a mansab of 3000.³

Faten Ullah was followed by Miran Sadr Jahan on the post of Sadr. He was a member of Ilahi cult.⁴ Sadr Jahan was appointed Sadr on his return from the embassy of Turan in 997/1588.⁵ When he came to occupy that honoured post, the authority and the duties of the Sadr had already become nominal,⁶ and he could be spared for

1. A'in-i-Akbari, I, pp. 156-157.
2. Tabaqat-i-Akbari, II, pp. 369, 386. Bada'u'ni, II, pp. 369-70; Akbar Nama, III, p. 560.
3. A'in-i-Akbari, I, p. 158; Mu'athir-ul-Karam, I, pp. 236-38.
4. Dabistan-i-Madhab tells us that:

"مدر جهان الہی کہ شد" درستان - ص ۲۱۸

Bada'u'ni has also referred to his acceptance of discipleship. He writes:

"دین ما (حرم سلطنت) و این عالم (مدر جهان) ملک حرمه کہ بنصب
 هزاری رسیدہ باد و ہر فضول مقلد خود بخلقت ارادت درآیدہ شدہ ارادت
 قبول یافت - دوم ص ۲۰۲"

5. Sirhindi, f. 196a. Harsin Daftar, pp. 12, 18.
6. Ibid.

Shah Nawaz Khan tells us that Miran Sadr Jahan went to Turan in the 31st year of Akbar's reign (994/1585), and return in the 34th year 997/1588 and he was appointed the Sadr-us-Sudur in the 40th year of Akbar's reign (1594/5). Mu'athir-ul-Karam, III, 348-51. But as there was vacancy in the Sadarat on his return, it is more probable that he was appointed then (and not in 1592-4). Bada'u'ni, III, pp. 141-42. But while Abul Fadl recorded the return of Sadr Jahan from Turan embassy in 34th year. (Akbar Nama, III, p. 567), his appointment to

the ambassadorship to the court of Bahadur Khan of Khandesh.¹
Sometime later (in 1009 A.H./1600 A.D.) he was sent by Akbar to Prince Salim, who was in disgrace after his rebellion, Sadr Jahan was sent with loving messages to the eldest Prince.²

In between his ambassadorial work Sadr Jahan was employed in the work of his department also. When it was discovered that the holders of 100 bighas of land and less indulged in bribery, Mir Sadr Jahan was ordered to bring these grantees before the Emperor. Besides he was asked to judge the extent and propriety

(Continued from previous page)

Sadrat is not mentioned. Neither the Mir is mentioned as sadr in the 36 A.Y., when he took part in the drinking party of the new year. He is referred to as Mir Sadr Jahan Mufti. Akbar Nama, III, pp. 582.

Probably it was due to the fact that after constant curtailment of the authority of the Sadr, in the words of Badauni "Of the office of the Sadr the name only is left." II, p. 343.

1. Sirhindi, ff. 262-63, Akbar Nama, III, p. 767; Miran was sent to Khandesh in 1008/1609.

انحضرت از کمال شفقت و مهربانی ازین جا (اجین) سیادت پناه میران صدر
جهان را که بنزد علم و دانی ممتاز اند و مدبرالمدیر مالک محروسه
نزد بهادرخان حاکم ولایت رحمت فرمودند که اگر و منی بخاطر لورده
مالک باشد رفع نبوده بطریق ریاست ره نویسی نماید سیادت پناه مشارالیه
حسب الحکم متوجه آن صوب شدند -
نهی سرحدی ورق ۲۵۲-۲۵۳

2. Sirhindi, ff. 271-272. Takmilat, pp. 9-10 Transcript. Abul Fadi says that the prince sent his letter of apology through Sadr Jahan, Akbar Nama, III, p. 766.

of each grant, in collaboration with Abul Fadl, and recommend suitable changes.¹ This order was due to the fact that Akbar was thinking of increase in the arable land and agriculture. So, it was ordered that every grantee should possess $\frac{1}{2}$ tilled land, and the other half waste capable of cultivation. If the whole grant consisted of tilled land, $\frac{1}{2}$ of that was to be resumed and a new grant issued for the remainder.² The grant Fargana specified the area of the cultivable waste and the cultivated land.³ But some times whole grants consisted of cultivable waste.⁴

Miran Sadr Jahan continued to work as the chief Sadr till Akbar's death and at the accession of Jahangir he was confirmed in his office, due to the affection the Emperor had for him.⁵

"Akbar's object appears to have been achieved, and efficiency established in the department", remarks Mr. Ibn Hasan summing up the effects of Akbar's reform measures.⁶ "After the fall of Shaikh Abdul Nabi, Akbar's personal vigilance appears to have continued through out the remaining period of 27 years (1578-1605), and during this long period there is only one case of irregularity in the department, in which the charge of corruption and bribery was brought against Haji Ibrahim Sirhindi, the Sadr of Gujarat, in the 28th year of the reign. He was tried, found guilty and imprisoned."⁷

1. Ain-i-Akbari, I, p. 157.

2. Ibid., I, p. 157.

3. Allahabad Document, 318.

4. Ibid., pp. 157, 158, 159, 163.

5. Tuzuk-i-Jahangiri, p. 21.

6. Ibn Hasan, p. 209.

7. Ibid.

Since Jahangir did not affect any significant changes in the administration, the institution of Sadarat also did not undergo any alteration. Sadr Jahan, who had been working as Akbar's Sadr, was confirmed in his post.¹ He had a mansab of 2000 under Akbar. In fulfilment of a promise he was made a Chahar Hazari.² Miran Sadr Jahan was ordered to present the deserving people every day to the royal presence to receive help according to their needs.³

Jahangir continued the practice of personal supervision of Baynashah introduced during the previous regime. In his memoirs he writes, "as I have made a regulation that deserving people and darveshes should be produced before me every night, so that, after looking into their conditions, land, cash and dress may be awarded to them, they produced a man....." On such presentations Jahangir made grants personally. He confirmed soon after his accession, the grants of all the Aimadars who were in possession of original Faramans of grants of the previous Sultans.⁴

1. Tuzuk-i-Jahangiri, P. 9.

2. Jahangir had known Miran Sadr Jahan from his childhood. When as a prince he used to take lessons in Hadith from Abd-un-Nabi, Miran acted there as Shaikh's assistant. Jahangir was greatly attached to him, and at one occasion had said to him: 'After my accession to power, I will pay all your debts or give you the rank which you then demand.' Jahangir kept his promise and gave the Sadr the option. He demanded the rank of 4000 which was conferred upon him. Ma'athir-ul-Umara, III, p. 350.

3. Tuzuk-i-Jahangiri, p. 5.

4. Ibid., p. 24.

5. Ma'athir-i-Jahangiri, f. 15a.

One of the twelfth institutes issued soon after Jahangir's accession was connected with the confirmation of the Aim lands. It said: "The Aim and the madad-i-ma'ash land through out my dominions, which are devoted for the purpose of prayer and praise, I confirmed according to the terms of the grant in the hands of each grantee. Miran Sadr-i-Jahan, who is of the purest race of Saiyids in Hindustan, and held the office of Sadr in the days of my father, was directed to look after the poor every day." Elliot & Dowson, vi, p. 286; Tuzuk, p. 8.

Jahangir granted Suyarshah lands as some sort of In'as to the Punjab Zamindars who had served faithfully during the rebellion of Khusrav. These grants were made between the river Chhamb and Behat, and were in addition to Rivasat and Chaudhrai.¹

As far as the Sadakāt activities of Sadr Jahan are concerned he proved a generous person. Shah Navaz Khan calls him 'the benefactor of populace'.² The Dakhirat-ul-Khawanin refers to him as 'the unparalleled benefactor of the people among the eastern Saiyid's. To illustrate his opinion, Bakhari says that he was generous in making grants (dar dadan-i-Madad-i-Ma'ash dast-i-khud ra kotsa na dasht).³

The generosity of Sadr Jahan in matters of grant is further confirmed by the opinion of Asif Khan Mirza Jafar. He says that Miran gave away in five years what Akbar had given in fifty.⁴ Making consideration for some exaggeration, the grants of the Miran would have been stupendous, as one of the Sadr's of Akbar, 'Abd-un-Nabi, had given away so much in charity that he out did the combined grants of previous sultans.⁵

1. Ma'athir-i-Jahangiri, p. 18a; Tuzk-i-Jahangiri, p. 32.

2. Ma'athir-ul-Umara, III, p. 361. The term used is nafai'ia khale (نفايا خاله).

3. Dakhirat-ul-Khawanin, f. 114.

4. Ma'athir-ul-Umara, III, p. 361; Dakhirat-ul-Khawanin, f. 114.

5. Badaun'i, II, p. 71.

اگر بخشد جمع پادشاهان سابق چند را در یک به نهید و انعام این عهد را در
به دیگر عهد این راجع آید -

چنانکه در زمان می پادشاهی ابدین مدتی با استقلال نگذشت - و عشرت

این اولادیکه او داده داده - بدایونی - ج ۴۹ - ۸۱

Badaun'i, III, pp. 79-81.

This sudden generosity of Sadr Jahan was, in all probability, a reaction to the restrictions placed on the powers of the Sadr to make grants during the reign of Akbar.¹

We know very little about the Sadarat organisation and its officials under Jahangir. Sadr Jahan who had been confirmed in his post was made a Chahar Hazari and received the jagir of Kannauj in lieu of his salary.² Later his mansab was increased to 5000 Dhat/1500 sawar.³ How long he continued in the post we know nothing. He lived to a ripe old age of 120.⁴ He retired to his jagir after having been made 'pani Hazari.' Jahangir tells us that in his tenth regnal year Miran Sadr Jahan came to visit him from his native place and made an offering of 100 mohra.⁵ Jahangir gave him leave to proceed to his jagir on 22nd Dhil Hijj, 1025/1616 and

1. A'in-i-Akbari, I, p. 156.

During the Sadarat of Mir Fatah Ullah Shirazi, Akbar allowed the Sadr to grant upto 15 bighas on his own authority. As this order was not changed, probably this practice continued during the Sadarat of Sadr Jahan.

2. Mu'athir-ule-Umara, III, p. 351.

3. Tuzuk-i-Jahangiri, p. 66.

4. Mu'athir-ule-Umara, gives the year of Sadr Jahan's death as 1020 A.H. But he was alive in 1024 is testified by Jahangir's account, who bestowed some money on the Mir in the year, when he visited the court. Tuzuk-i-Jahangiri, p. 141.

5. Tuzuk-i-Jahangiri, p. 144.42

میران صدر جهان پنج ہزار روپیہ دے کر اورا بجا و مقام کہ پانچویں مہینہ
رحمت نمودم =

bestowed on him 5000 rupees.¹ But he could not have been Sadr in the 10th or the 11th year of Jahangir's reign (i.e. in the years 1604-05) because, Mihawandi definitely tells us that Maulana Taqia-i-Shustri was Sadr in 1604/1615. The chronicles do not give us any information about the date of his retirement from the post and the Maulana's appointment to the Sadarat. But it is definite that when Mihawandi wrote his account in 1604 A.H./1615 A.D. Taqia-i-Shustri had been holding the Sadr's post for some times.² Before his appointment to the Sadarat Maulana Taqia was attached to the service of Khan-i-Khanan, 'Abdur Rahim. He was a very learned man.³

Sadr Jahan held Sadarat for only five years under Jahangir, as only his five years grant is mentioned both by Dakhiratu'l-Khawanin and M'athiratu'l-Khara,⁴ and he was succeeded by Taqia-i-Shustri in the fifth year. A grant document of Jahangir, dated 6 Awwad, 10th Ilahi (10th regnal year of Jahangir i.e. 1604 A.H./

1. Tuzuk-i-Jahangiri, p. 171.

2. M'athiratu'l-Khara, III, pp. 672-83.

الحال کے لئے مقرر و مست و پہلے میری پورے ہاتھ پہنچا کر جلیل القدر کے لئے
ہاتھ پہنچا کر جلیل القدر کے لئے ہاتھ پہنچا کر جلیل القدر کے لئے

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3. M'athiratu'l-Khara, III, pp. 681-82. The Tahqiqat refers to him as Taqi Muhammad (II, 193) and Bada'uni calls him Taqi Uddin. Bada'uni tells us that he was a disciple (مريد) of Akbar, and that he had prepared a prose version of the Shah Nama at Akbar's order (Bada'uni, III, p. 205).

4. Dakhiratu'l-Khawanin, f. 116; M'athiratu'l-Khara, III, p. 361.

1615 A.D.), bearing the seal of Saiyid Ahmad Sadr, is available in the Research Library, History Department, Aligarh.¹ It shows that some Saiyid Ahmad was the Sadr of Jahangir in 1024 A.H./1615 A.D. One Saiyid Ahmad Qadiri, has been mentioned as Sadr of Jahangir by various authorities. He was the father of Hidayat Ullah Qadiri the Sadr of Shah Jahan.² It means that Faqir-i-Shustar would have been replaced by Saiyid Ahmad at the end of 1024 A.H./1615 A.D.³

What were the achievements of the Saiyid and the Maulana in their department is not recorded by the chronicles. The information about the Saiyid is, in fact, very meager. Before his appointment as the Sadr he also held the post of Mir 'Adl and had "left a great name."⁴ During the Sadarat of Saiyid Ahmad Qadiri, Jahangir appointed some persons to distribute charity to the

1. Jahangir's Document dated 10th Ilahi year, Research Library, Department of History, A.M.U. Aligarh. This is a document of grant to one, Shaikh Ahmad and sons. The grant was of 150 bighas of land.

2. Amal-i-Salikh, III, p. 2. Muhammad Saleh writing about Hidayat Ullah Qadiri says, that:

پدرش سید احمد قادری در عهد حضرت جنت کائنات بعد از آنکه کل ملک سرافرازی داشت
Shahrazat-un-Nasrin, f. 112; Ma'athir-un-Nasrin, II, p. 456.
 About Hidayat Ullah we are informed:

پرو سید احمد قادری است که در عهد جنت کائنات بعد از آنکه کل ملک سرافرازی داشت
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3. Makhtubat-i-Imam Rabbani, I, pp. 107-108.

4. Shahrazat-un-Nasrin, f. 112a.

سید احمد قادری جنت که سرمدل بارش در بود و نام به بزرگی گذاشت
 لا یزید بهمان و سید احمد قادری ولا علیا و قاضی نورالدین و قاضی صبی
 ولا احمد رحیم و احمد و عالم وقت و روحان صبر و شکر روزگار بودند

ذخیرةالخواصین جلد ۱۱۲ الف

people of different parts of the Empire. In this connection Qadi Aslam was appointed for Kabul, Shaikh Sikandar Gujrati for Gujarat and Ajmal Khan Deccani was for the Deccan. Saiyid Ahmad Qadiri was to look after the needs of the people of Lahore, Delhi and its environs. The needs of the female were fulfilled by Haji Koka. But it is interesting to note that a separate person, Kabab Khan, a fauidar of elephants, was charged with the duty of representing the needs of the elephant-drivers. It was also laid down that who-soever should come across a needy person he must present him before the Emperor.¹

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A document of grant to a Nausari priest bearing the seal of Saiyid Ahmad Qadiri, dated 1088/1619 is available.² It establishes that in the 13th year of Jahangir's reign, Sadarat was still occupied by Saiyid Ahmad Qadiri.

When the family of Asif-ud-Daula gained ascendancy at the court, his friends and relatives received high posts. Fortune

1. Intikhab-i-Jahangiri Shahi, f.111b.

The passage has translated thus in Elliot & Dowson:

'Four or five persons were appointed, through whose agency money or land was distributed to the people. Kazi Aslam of Kabul was appointed to introduce the people of that province; Shaikh Sikandar Gujarati to introduce the people of Gujarat; Asmat Khan of the Dekhin to introduce the people of Dekhin; and Shaikh Mu'in-ud-Din of Rajgir to introduce the people of Bengal. Those who came from Lahore, Delhi and the places in their vicinity were brought before His Majesty by Saiyid Ahmad Qadiri; and the elephant drivers were introduced by Gujat Khan (Kabab Khan), the superintendent of elephants. It was strictly ordered that if any person should fall in with a deserving man, he should not neglect to bring him into His Majesty's presence. Haji Koka Begum was maintained in the superintendence of the affairs connected with the seraglio, and she was now ordered to discharge her duties with more diligence.' Elliot & Dowson, VI, p. 447.

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2. A Farman of Jahangir, p. 47.

also sailed on the tutor of Asif-us-Daula, Mullah Mohammad of Thattah, and he was made the chief Sadr of the Empire.¹

Mullah Mohammad was the son of Mullah Muhammad Yusuf, a mystic of retiring temperament. Mullah Muhammad was a man of learning and erudition. After having completed his education, he himself started giving instruction to students and attained great fame as the teacher of Yamin-us-Daula Asif Jah.²

Soon after his appointment to Sadarat, Mullah Muhammad became the proprietor of all the property, gardens, houses and palaces of the Arghun and Farkhan families of Thatta which he secured through flattery, bargain and gift. This made him virtually the owner of the whole of Thatta. All the religious posts, like Qada, Ifta and Ihtisab, were given to his brothers and relatives. These relatives ignored the instructions of Mullah Muhammad and did what-ever they liked.³ fir*

Maulana Muhammad of Thatta lost his life during the revolt of Mahabat Khan. The author of the 'Ma'athir-ul-Umara' says that if the Mulla would have thought of escape, no body would have stood in his way (اگر لا مخواست بدر رود حق کسور را نکرده بود). But as his life had come to an end he made the mistake of going to Mahabat Khan with the Qadi and the Mir 'Adl. Although the

1. Ma'athir-ul-Umara, III, pp. 369-372; Dbakhirat-ul-Khavanin, f. 112a.

2. Ma'athir-ul-Umara, III, pp. 369-372.

3. Dbakhirat-ul-Khavanin, 112a; Ma'athir-ul-Umara, III, pp. 369-71

learning and piety of Mullah Muhammad were detailed but to no effect. He was handed over to the Rajputs and was kept as prisoner for some times and was, afterwards, put to the sword.¹ His main crime was that he was the tutor of Asif-ud-Daula.²

But this cannot be denied that he had taken full advantage of his position and prestige and had been guilty of nepotism. Besides he amassed considerable wealth and property in his native land.

The last of Jahangir's Sadr was Musawi Khan. He belonged to a Saiyid family of Mashhad and was closely related to Yusuf Khan Ridawi. Before his appointment as Sadr, he was the Darogha of Abdar Khana. This post he held since the 16th year of Jahangir's reign (1620 A.H.). After his appointment to Sadarat he received a Mansab of 2000 Dhat/500 sawar. As the Saiyid had good relations with Asaf Khan, he continued in his post even after the death of Jahangir.³

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1. Ma'athir-ul-Umara, III, pp. 369-72.
Writing about Mulla's imprisonment and murder, Shah Nawas Khan says:

چون پهلوان ملا عبد الصمد نواسه شيخ جليل مشيخ و ميرزا عبد الحلق برادر
زاده "خواجہ" شمس الدين محمد خواني را بملت صاحب و خصوصيت آصف خان
ارجم گرونده بود گفت اين حرمه حركت مسلمك نيك بود كه ملا را براجپوتان
برود. مع جرم و خيانت كه بيع قسم شهيد ساخت.

2. Ma'athir-ul-Umara, III, pp. 369-72.

عبد الصمد پهلوان استاد آصف خان بود.

3. Ma'athir-ul-Umara, III, p. 360; Dakhtar-ul-Khawanis, f. 86b.

We have very little information about the working of the institution of Sadarat under Jahangir. Jahangir, it appears from his memoirs, made all the grants himself. The other chronicles have also referred to the charities of Jahangir. But the subsistences granted through the Sadarat have not been referred to either by Jahangir or Mu'tamad Khan. But it does not prove that the Sadr had no independent power of grant. Ibn Hasan accepts on the authority of Malahir-ul-Umara, that upto the 6th or 7th years of Jahangir's reign, the Sadr had independent power of grant and after that Jahangir himself made all grants. The opinion is formed on the basis that Jahangir has made no reference to the grants of the Sadr. But it is unlikely that he should refer to the charity of the Sadr as he was recording his own memoirs. Besides, Jahangir has not mentioned even the five or seven years grants of the Sadr. *AM**

Jahangir was a man of generous nature and was always eager to help the needy and the poor. The author of the Intikhab-i-Jahangir Shahi tells us that he asked the nobles to bring the deserving people in his presence, and that after a few days, the petitioners for the rent-free land came forward in such numbers that some of the ministers of the Empire took the opportunity of representing that if His Majesty's liberality extended much further there would, in a few years, be no land left to yield revenue to the State. The Emperor replied that those petitioners were like an army to pray for him (شکر دہا گہاں), and as the remonstrants were the ministers of crown, they should all endeavour to

increase this army.¹" But even this portion does not indicate that the whole work of grant devolved upon Jahangir. mt

It was neither feasible nor possible for Jahangir to assume this extensive responsibility on himself. It was a very strenuous and time consuming work to enquire into the merit and need of the grantees.

- a. As to their being no reference to the Sadr-made grants, the laurels and praises of the meritorious work of the subordinates always go to their superiors, and the mess made by the superiors is always put on the shoulders of the luckless subordinates.
- b. The grants of the Sadr apart, the memoirs of Jahangir mention the appointment of no Sadr except Mir Sadr Jahan though Sadr Jahan was not his only Sadr. The absence of reference to Saiyid Ahmad Qadiri, Maulana Tacia-i-Shushari, Mulla Muhaamad of Tatta and Musawi Khan as Sadr of Jahangir's reign from the pages of the Tuzuk, does not discredit their position as Chief Sadr of the realm. As the name of these managers of charity and endowment do not appear their grants are also not referred to.

A notable feature of the grants of Jahangir is their great number. "Under Jahangir", observes Ibn Hasan grants of lands to

1. Intikhab-i-Jahangir Shahi, f.112a; Elliot and Dawson, VI, pp. 447-48.

the poor besides other sorts of charities were more frequent, and higher than can reasonably be expected under Akbar.¹

Jahangir's memoirs refer constantly to his concern for the needy and his grants to deserving and destitute, but what strikes one most, is the lack of organisation in matters of charity.² This may be due to either of the two reasons:

- a. Jahangir did not possess such a methodical and administrative minded chronicler as Abul Fadi and though himself full of good will and a proficient pen, knew not the method of systematic writing.
- b. There was no definite organisation in fact to carry on the state charitable works.

The later could not be the case, as Jahangir inherited quite an organised administrative machinery from his father. So what is lacking in Jahangir's case is a good annalist acquainted with the working of all the administrative departments. We are not only ignorant of the working of Sadarat, but our information about other institutions of Jahangir is based on Jahangir's constant reiteration that he continued the administrative machinery of his father.

1. Ibn Hasan, p. 270.

2. Ibid.

at Shah Jahan's accession.
The Sadarat did not undergo any immediate change/ Musawi Khan, who had been working under Jahangir as the Chief Sadr of the realm, being in the good books of Asif Khan received confirmation at his post. His rank was increased from 2000 Dhat and 600 savar to 3000 Dhat and 760 savar.¹

The Mughal rulers appointed their sadrs without any sectarian considerations. They themselves were Sunnis and followed the Hanafi² school of thought, but their Sadrs were selected for their efficiency and other good qualities. Musawi Khan was a Shi'ah. But unlike his liberal patron he proved to be a narrow-minded bigot. He made discrimination in matters of grants. The Dakhirat-ul-Khawanin has recorded the following incident which throws light on his character.

"One day he presented four of the Makhadims of Bihar before His Majesty. Three of them were named Muhammad, Hasan and Hussain. The fourth one was named 'Umar. He suggested hundred bighas for each of the first three before His Majesty; for the fourth named 'Umar, he suggested only 60 bighas. His Majesty asked: 'Why this old man is suggested less than the others?' He replied: "Because his name is 'Umar." His Majesty also gave him hundred bighas.³ This perhaps served him as a warning and he did not in future

1. Ma'athir-ul-Umara, III, p. 360.

2. Lahori, I, pp. 154-55; Alamgir Nama, II, p. 1070.

3. Dakhirat-ul-Khawanin, f. 80b.

openly discriminate on sectarian basis as the same authority says: 'from that day, he used to pretend in religious matters and did nothing objectionable.'¹

Musawi Khan occupied the post of Sadr till the 16th year of Shah Jahan's reign. Though not an scholar of the traditional type, he had spent his time in the company of the learned and had developed suavity of manners and great social charm.²

He rose in the estimation of the Emperor on account of these qualities and his mansab was raised to 4000 Dhat/750 anna.³ He received other favours at the hands of Shah Jahan. Some documents of grant confirmations belonging to the Sadarat of Musawi Khan are available. They indicate the fact that the authority of the Sadr in matters of confirmation was re-established under Akbars successors.⁴

1. Dakhiratul-Munawwin, f. 83b.

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تکلیف یافتہ -

2. Dakhiratul-Munawwin, f. 84b.

3. 'Amal-ul-Salib, III, p. 463; Mu'athir-ul-Umara, III, pp. 442-43.

4. Allahabad Documents No. 154, 157.
Allahabad Document, 154 is a Baranicha issued by Musawi Khan about the confirmation of a grant of 4279 bigha 4 bigha land (according to the Tarab of hann equivalent to 3296 bigha 8 bigha according to Ilahi Qaz) situated in Lucknow Sarkar. The original owners (except Saiyid Muttalib etc.) Saiyid Hatim etc and Saiyid 'Ala Uddin etc. were dead. So in the 12th year (1648 A.D.) the royal order was issued that the land was to be confirmed on Saiyid Muttalib etc. and the heirs of the deceased Saiyid Qasim, Badr Uddin Shaikha etc., and Saiyid 'Abd-us-Shakeer etc.

Sometimes later the Saiyid began to loose popularity. The Emperor was informed that he was not properly carrying out the work of assigning the lands. So in the 16th year of Shah Jahan's reign (1641-42 A.D.), he was dismissed from the post.¹ He died in 1064 A.H./1644-45 A.D.

Soon after Musawi Khan's dismissal, Shah Jahan appointed Mir Saiyid Jalal, a direct descendent of Mir Saiyid Muhammad Bukhari Kidavi as the Sadr-us-Sudur. Saiyid Jalal was a man of talent. Well versed in different sciences, he was also a poet of merit and wrote verses under the nom de plume of Kidai.²

The Mir used to visit the Mughal court before his appointment but lived in straitened circumstances. After the dismissal of Musawi Khan, the Emperor insisted that he should give up his life of abstinence and poverty and accept the post of Sadr with a rank of 4000 Bhat.³ He was appointed to the post on 9th Shaban 1062 A.H./1642 A.D.⁴

1. 'Amal-i-Salih, II, p. 377, III, pp. 350-4; Ma'athir-ul-Umara, III, pp. 442-43.

2. 'Amal-i-Salih, II, p. 377; Ma'athir-ul-Umara, III, pp. 447-51.

3. Ibid., 'Amal-i-Salih says at one place that at his appointment Saiyid Jalal received the rank of 1000/700 with a horse with golden equipment (asr-i-Tila) and 30,000 rupees in cash. ('Amal-i-Salih, II, pp. 376-77). At another place 'Amal-i-Salih says that he received the rank of 6000/2000 but this is wrong, as after increment he got the rank of 6000/2000. ('Amal-i-Salih, III, p. 362. II, pp. 394, 514.

4. 'Amal-i-Salih, III, p. 362. Ma'athir-ul-Umara... says that Haftum Shaban was the date of his appointment and not Nahm, III, pp. 447-51.

After assuming his post Saiyid Jalal represented before the Emperor that due to the negligence and carelessness of Musavi Khan, subsistence allowances had been given to undeserving persons. Most people had occupied lands on the strength of forged documents. Shah Jahan issued an order that till such time as investigations into the validity of the claims i.e. the Sanads of Madad-i-Ma'ash were completed, all grants should be withdrawn.¹ Shah Jahan's order brought great unpopularity to Saiyid Jalal.²

Though Saiyid Jalal became unpopular among the masses, he continued to rise in the king's estimation. In the year 1053/1643 his rank was raised to 4000 A.H./1000 A.D.³ In 1055 A.H./1645 A.D. He was promoted to the mansab of 5000 A.H./1000 A.D.⁴ Finally he attained the rank of 6000 Dhat and 2000 savar.⁵ When the

1. Ma'athir-ul-Umara, III, pp. 447-451. Lahori, II, pp. 365-6. Ibn Hasan has analysed the charges against Musavi Khan, pp. 275-80.

2. For details of this order infra, pp. 119-121. Ma'athir-ul-Umara, III, pp. 447-51.

موجود در عالم نوکری این قسم دقتها را (که مہدی از دہد برات خود و ادائی
حقوق آقا است) مرناً و عللاً مستحسن داشته اند - ایادری خلائی سخت بدنامی
پسند علیہ شد -

3. 'Amal-i-Salih, II, p. 384. But 'Amal-i-Salih has given his savar rank as also 4000 but this cannot be as it never exceeded from 2000.

4. Lahori, II, p. 422.

5. Lahori, II, p. 718; 'Amal-i-Salih, III, p. 362.

Punjab suffered from famine, Shah Jahan sent an amount of Rs.10000 from charity (Khairat) funds, through Saiyid Jalal, the Sadr-us-Sudur,¹ to the indigent people of the Punjab.

Saiyid Jalal died on 23rd Rabi II, in 1067 A.H./1647 A.D.² at Lahore. Shah Nawaz Khan says that if the Mir had lived longer he would have risen higher.³ (اگر اجل می گذاشت ترقی عظیم می کرد).

After the death of Saiyid Jalal Ridawi, Saiyid Hidayat Ullah was appointed Sadr on 23rd Jamad II, 1067 A.H./1646 A.D. Saiyid Hidayat Ullah was the son of Saiyid Ahmad Qadiri, who had at one time served as Sadr under Jahangir.⁴

Not much is known about the early life of Hidayat Ullah except that he was serving as Diwan at Candahar when he was summoned to the court in the 20th year of Shah Jahan's reign (1067 A.H./1647 A.D.).⁵ He already had a mansab /of 1000 rat

1. Lahori, II, pp. 472-73.

2. 'Amal-us-Salih, II, p. 66.

3. Ma'athir-us-Salikh, III, p. 451.

4. 'Amal-us-Salih, II, p.2; Ma'athir-us-Salikh, II, p. 456.

5. Lahori, II, p. 684.

سر هدایت الله ولد سید احمد قدوسی را که بدیوانی قندهار سوارانرا است
چون مکرر سلوک شایسته او دران صوبه بحسب حجاب پلرگاه آسمان جا
رسیده بود بمصوب هزاری ذات وحد سوارانرا اصل و انشاء نواخته به پیشگاه
نوام سیر جهانگیری طلبیدند - (سنه ۱۰۵۷ بمقنن سال جلوس) -

and 100 savar. On his appointment to the Sadarat, he received an increment of 500 Dhat and 200 savar.¹ In the 23rd regnal year (1069 A.H./1649 A.D.), he received an increment of 500 in his rank. In the 25th year of Shah Jahan's reign his rank was raised to 2500 Dhat and 300 savar.²

After the battle of Samugarh, when Aurangzeb advanced towards the capital, Shah Jahan sent Hidayat Ullah twice with Fadil Khan, Khan Saman, to that prince as his personal messenger. He carried the Manshur of the Emperor and a sword named 'Alamgir'³ to the prince and also communicated the message verbally.

Hidayat Ullah continued to function upto the third year of Aurangzeb's reign. Some documents of grant belonging to the Sadarat of Hidayat Ullah are available.⁴

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1. 'Amal-i-Salih, II, p.2,
 2. Ma'athir-ul-Umara, II, pp. 466-67.
 3. Ibid., II, pp. 466-67.
 4. Allahabad Document No. 168.

One of them, dated 1060 A.H./1650 A.D., 24th year, of Shah Jahan's reign concerns a grant of 200 bighas of land as Madad-i-Ma'ash, to Bibi Dilshan. The grant was made in the Pargana Misampur, in the Bahraich of the suban of Awadh.

Allahabad Document No.160.

There are two other documents bearing the seal of Hidayat Ullah Qadiri. They belong to the 25th year of Shah Jahan's reign and refer to a grant located in Misampur. In both cases the recipients are women. One, dated 11th Rajab, concerns a grant of 200 bighas to one Bibi Zenat (Allahabad Document No.169) the other which makes the grant to Bibi Khadija, is dated 22nd Jamad II. The area of the grant in the latter case is 100 bighas.

The Sadr had access to the court; he briefed the Emperor on the needs of the people, presented the needy, at the Jharoka,¹ in the court² and even at the selected gatherings of the Ghusal Khana.³

Aurangzeb, confirmed Hidayat Ullah in the Sadarat of the realm after his accession. But in the third year of his reign, Saiyyid Hidayat Ullah sought retirement on the plea of old age. His request was granted, he was released from the state service and an yearly allowance of Rs.10,000 was given to him.⁴

Mir Shaikh Haravi (or Mirak Shaikh), who succeeded Hidayat Ullah to the post of Sadr-us-Sudur,⁵ was the brother of Qazi Muhammad¹⁷

1. Badshah Nama, I, pp.147-49, Qanaid-i-Sultanat, f.9. Writing about the business transacted at Jharoka-i-Khas, Chandra Bhan says:

هم استند جلسات ملک و مال از منصب و جاگرو مامله و روزی که و اعصاب بد
ملک و غیر ذلک که بمن و الا می رسد -
ارباب احتیاج و اهل استحقاق بوسیله صدر احمد در محبت و طبع و روزی که و
حاکم از من و سید و مولف و اراضی بخرید ملکیت و العفا و اعصاب بد و ملک
کلیات می شد -
توالاً سلطنت شامیه می بود " ۸ =

2. Ibid.

3. Ibid.

4. 'Alamgir Nama, II, p. 594.

'Alamgir Nama records his retirement in the third year, but Ma'athir-ul-Umara says that Mirak Shaikh Haravi was appointed Sadr in the later part of the second year.

Ma'athir-ul-Umara, III, pp.519.

5. Ma'athir-ul-Umara, II, pp. 456-57.

Aslam. He came to India from Khurasan during the reign of Jahangir^{tmm^} and studied for sometime under Mullah 'Abd-un-Salam (who was Mufti Iskandar for sometime) at Lahore. After completing his education, he took service under Shah Jahan and was appointed 'Ard-i-Mukarrar' in his 17th regnal year.¹ In the 23rd year of his reign (1660 A.D.)² he was given the Diwani of Jahan Ara, and his rank was raised to, 2000 Dhat/200 savar. Later on he got an addition of 600 in his Dhat.rank.³

When Aurangzeb occupied the throne, he honoured Mirak Shaikh greatly. In his second regnal year he made him a Sih Nazari. After Hidayat Ullah's retirement he received the Sadarat also. But as he was an old man he had to relinquish the post within a couple of years.³ He died in 1071 A.H./1660-L.A.D.

The next Sadr, Quli Khan Khwaja 'Abid was the son of 'Alam Shaikh, a great scholar of Samargand and a descendent of the famous mystic Shaikh Shihab Uddin Suharwardi. After completing his education at Samargand Khwaja 'Abid went to Bukhara. There he got the post of Qadi with the title of Shaikh-ule-Islam. In the 29th year of Shah Jahan's reign he reached India after visiting the

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1. While Lahori was writing his Badshah Nama, Mirak Shaikh Haravi was working as 'Ard-i-Mukarrar'. Lahori, II, p. 766.
 2. Ma'athir-ule-Umara, III, p. 519.
 3. Ibid. If Mirak Shaikh died in the 4th year of Aurangzeb's reign as Ma'athir says, his date of death could not be 1071 (as given by Ma'athir-ule-Umara) as 1071 corresponded to 3rd year of Aurangzeb's reign.

Holy Kaba and joined the imperial service. The Emperor conferred upon him a robe and Rs. 6,000.¹

When Aurangzeb started from the Deccan to see his father, he received the rank of 3000Dhat/600 savar and the title of Khan. After the battle with Raja Jauwant Singh his rank was raised to 4000Dhat/700 savar. In the 4th year of 'Alaagir's reign, he was appointed the Sadr-i-Kul. In the 7th regnal year he ranked among the Amirs with a Mansab of 4000Dhat/1500 savar. He received the Subandari of Ajmer in the 10th regnal year (1668 A.D.) and received^{im4} a robe and an elephant. The Sadarat was, however, taken from him,² and was entrusted to Saiyid 'Ali, son of Saiyid Jalal Bokhari. He is greatly praised for his character.³

Saiyid 'Ali had, before his appointment as Sadr, served in various capacities under Shah Jahan. When Shah Jahan went to Kabul in 1678 A.D. Saiyid 'Ali son of Jalal accompanied him as his father's deputy. After the death of his father, his rank was raised to 1000Dhat/200 savar. In the 21st regnal year (1648 A.D.) he received an increment of 600Dhat/200 savar.⁴

1. Ma'athir-ul-Umara, III, pp. 120-123.

2. Ibid., III, pp. 120-121.

3. 'Amal-i-Salin, III, pp. 362-63; Ma'athir-i-'Alaagir, p. 62.

4. Ma'athir-ul-Umara, II, pp. 309.

Saiyid 'Ali had also served as the Darogha of Jawahir Khana and later on as the Superintendent of Kitab Khana. He reached the mansab of 2500Dhat/500 savar in 1666 A.D. and received the title of Ridavi Khan. Later on he was sent to Ahmadabad as the Bakhshi and Kasai Navis of that place. The Amin of that province was also conferred on him. In the 1667 A.D. he was called to the court and was appointed to present the Kasai¹ of the provinces.

On Aurangzeb's assumption of power, he retired from service with an annuity of 12,000 Rs.² In 1668 A.D. he however received the rank of 2500Dhat/400 savar and a robe and Jasdhari studded with jewels. After the transfer of Rashid, the calligraphist, Ridavi Khan was appointed to the Diwani of Begum Saheb (Jahan Ara Begum) and received an increment of 100 horse in his mansab. He joined the Sadarat in the 10th year of Aurangzeb's reign (1668 A.D.) and continued to hold the post till his death in 1091 A.H./1680 A.D.³

After the death of Ridavi Khan, Abid Khan who had received the title of Gulien Khan in the meantime, was reappointed as the Sadr-us-Sudur.⁴ It was the first time that a dismissed person was called back to the Sadarat.⁵ However the second term of his office

1. Ma'athir-ul-Umara, II, p. 309.

2. Ibid., II, p. 309.

3. Ibid.

4. Ma'athir-ul-Umara, III, pp. 120-23.

5. For the post of Cadi, Aurangzeb had ordered that dismissed persons were not to be reappointed on the post.

was very brief, and the very next year he was sent on the Deccan aī
campaign.¹

Khawaja Shah, who had received the title of Sharif Khan in 1086 A.H./1676 A.D. was appointed Sadr in 1092 A.H./1681 A.D.² But his term was very short as he died in Shawwal 1093 A.H./1682 A.D.³

Shaikh Makhdum of Thatta was now given the Sadarat.⁴ He had served as Munshi under Prince Muhammad A'zam. When, in the 23rd SSird year of Aurangzeb's reign, Qabil Khan incurred the displeasure of the Emperor, Mullah Makhdum was appointed in the Royal Dar-ul-Insha f with a rank of 500 Dhat/30 savar. He also received a dress of brocade. At the death of Sharif Khan in 1682 A.D., the Sadarat was entrusted to him.⁵ Two years later the title of Fadil Khan and

1. Ma'athir-ul-Umara, III, pp. 120-23.

In the 29th year he received the Subandari of Zafarabad, Bedar. He did many distinguished deeds in the Deccan and received many honours. While laying seige to the fort of Golkonda, he received a severe injury and died soon afterwards.

2. Ma'athir-i-'Alamkiri, pp. 139, 86.

3. Ibid., 222, Ma'athir-ul-Umara, II, p. 618.

4. Ma'athir-ul-Umara, III, p. 32.

5. Ibid., Ma'athir-i-'Alamkiri, pp. 361.

a precious inkpot was given to him. At the transfer of Khidmat Khan, the Darogha-i-'Arad was also appended to his other duties.¹ Entrusting various responsibilities and different duties to one person was one of the chief features of the Mughal administration in the later period. Akbar did not favoured this practice. He sometimes went to the other extreme and appointed two persons on one post with a view to introducing efficiency, and creating checks on unrestricted exercise of powers by any officer. 12>

In 1689 A.D. year when pestilence spread in the army of Aurangzeb, the Mulla was one of its victim.² He held the rank of 1000 Dhat at the time of his death.³ £

For ten years after the death of Shaikh Mahdum in 1688 A.D. the contemporary histories do not mention any Sadr. This however, does not mean that the post remained vacant during this long period. A casual reference in the Dayabit-i-'Alamgiri tells us that in the year 34th (1691) when an ambassador of Rum (Turkey), Ahmad by name visited the country, Lashkar Shadi Khan, the Sadr-us-Sudur, and Darogha-i-Gurabardaran went to welcome him.⁴ It means that in the 10<

1. Ma'atbir-i-'Alamgiri, p.274; Ma'atbir-ul-Umara, III, p.32.

2. Ma'atbir-i-'Alamgiri, p.318; Ma'atbir-ul-Umara, III, p.32.

3. Ma'atbir-i-'Alamgiri, p.118. The Mulla is praised as a Munshi in Nigar Nama, p. 6.

4. Dayabit-i-'Alamgiri, f. 74.

second year after Shaikh Mahdum's death, Shadi Khan was holding the post of the Sadr. No details are however available about Shadi Khan. May be that during this whole decade, about which we know so little, Shadi Khan occupied the office of Sadr.

In 1698 A.D. the office of the Sadr was combined with Qada for sometime and Qadi Khwaja 'Abdullah, the Chief Qadi of the realm, was also given the Sadarat.¹ He, however, did not live long and died of paralysis a few months after his appointment.²

'Inayat Ullah, the Diwan, was ordered to officiate in the vacancy, as the Daftar-i-Sadarat was considered a part of Daftar-i-Divani.³ He held a mansab of 900 Dhat and 70 savar at that time; an addition of 100 Dhat and 30 savar was subsequently made in his rank. In the meantime a message was sent to Shaikh-ul-Islam, a former Qadi, at Ahmadabad to proceed to the court to receive Sadarat. Shaikh-ul-Islam was reluctant to have anything to do with the court, but had to answer the summon. But he died before⁴ he could start for the court. Muhammad Amin Khan, who had been

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1. Ma'athir-i-Alamsiri, p. 392.
Qadi Abdullah drew the attention of Aurangzeb to the deserving people of Sarkar Sorath, who had Madad-i-Ma'ash lands. Their grants were made by the officers and Jagirdars. As they could not come for the royal confirmation to the court the custodians of the place started taking their land. Aurangzeb ordered that the grantees should go for their confirmation to the Provincial Sadr. Mirat, I, p. 319.
 2. Ma'athir-i-Alamsiri, pp. 393-94.
 3. Ibid., pp. 393-94.
 4. Khawafi Khan, II, p. 228. Ma'athir-ul-Umara, I, pp. 337-39. Khawafi Khan says that the Emperor wanted to confer both the Qada and Sadarat on Shaikh-ul-Islam.

serving under Firoz Jung, was summoned and entrusted the Sadarat.¹

Muhammad Amin Khan was the grandson of 'Alam Shaikh. He came to India in 1688 A.D. He got the rank of 2000 Dhat and 1000 savar and the title of Khan. He was appointed to serve under Khan Firoz Jung in the Deccan. On his appointment to the post of Sadr-i-Kul in 1699 A.D., he received a precious ring.²

After the fall of Panhala (in May 1701), when the Emperor marched towards Khelna, Muhammad Amin Khan also accompanied him on active service. He acquitted himself honourably there.³ In

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1. Ma'athir-i-Alamsiri, p. 394.
 2. Ma'athir-ul-Umara, I, pp. 346-50.
 3. Ma'athir-i-Alamsiri, pp. 452, 453-54.

Referring to Muhammad Amin Khan, M. Athar Ali remarks that he "was the Sadr-i-Kul of Aurangzeb and thus incharge of judicial administration; but he was also assigned a number of military duties, throughout his career." Further he remarks that Amin Khan seems to have been the only exception" to the rule of excluding judicial officers from executive and financial duties "probably in order to avoid the possibility of their having any administrative interest." The Mughal Nobility under Aurangzeb, p. 146.

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The Sadr-i-Kul, of the Mughal Empire used to supervise the judicial administration also. But, coming upto the reign of Aurangzeb, the judiciary became the sole responsibility of the Qadi-ul-Qudat. The only connection which remained between the Sadr and the judiciary was confined in his appointing the judicial officers of lower administrative units.

Muhammad Amin Khan as Sadr was not connected with judicial matters. As to the Sadr taking interest in state matters Sadr-i-Kul, Amin Khan's case, was no exception. The Mughals tried to knit together all their departments and created harmony by constant transfers of officers from one to the

appreciation of his services he received the title of Chin Bahadur. With continuous increment, his rank became 4000 ~~bat~~/1500 savar horse. Later he was appointed to accompany Sultan Kam Baksh, but when he heard the news of Aurangzeb's death, he went over to Prince A'zam Shah.¹

(Continued from previous page)

other. The practice had originated with Akbar. The Sadarat department was not excepted from this rule. When Shah Fatah Ullah Shirazi first came to Akbar's court, he was appointed to assist Todar Mal in revenue matters. Later, he was appointed the Sadr-us-Sudur. While still the chief religious officer of the realm, Fatah Ullah was sent on the Deccan campaign.

Besides Fatah Ullah, Miran Sadr Jahan was sent as an ambassador, to Khandesh, while he was the Sadr-us-Sudur.

Hidayat Ullah Qadiri, before his appointment as the chief Sadr, under Shah Jahan, had been the Diwan of Candahar.

Even under Aurangzeb (previous to the appointment of Muhammad Amin Khan) example of Sadrs being appointed from among the staff of other departments, and transferred from Sadarat to other posts are available. Mirak Shaikh Haravi had served in the capacity of 'Arde-i-Mukarrar' and the Diwan of Jahan Ara preceding his appointment to the Sadarat. Ridavi Khan, before his appointment as the Sadr-i-Kul had held the post of Darogha-i-Javanir Khana, Kitab-Khona, Bakhshi and Kasai Navis of Ahmadabad etc. successively. 'Abid Khan, who was appointed Sadr in 1662 A.D. was later transferred to the Subandari of Ajmer in 1668 A.D. He was again recalled to his former post in 1680 A.D. The next year he was sent on the Deccan campaign and Sadarat was conferred on Sharif Khan.

All these examples clearly borne out the fact that the Department of Religious Affairs closely connected with other institutions of the Empire and that Amin Khan's case was no exception.

1. Ma'athir-ul-Umara, I, pp. 346-50.

CHAPTER II

THE DEPARTMENT OF RELIGIOUS AFFAIRS : ENDOWMENT AND CHARITIES

The Sadr served as an intermediary between the ruler and the subject in the Muslim states from quite an early period. One of his important functions was to present the needs of the people before the sovereign.

It was deemed essential for a ruler to know about those who deserved help in his territory, and enjoyed some religious eminence. According to the Suluk-nul-Muluk it was necessary for a king to employ a body of scholars in his service. Such a body alone would keep him informed of the activities of the Ulama. This body was called Sadr and its chief the Sadr-us-Sadr or the Shaikh-ul-Islam.¹ The post of the Sadr or the Shaikh-ul-Islam was evolved to bring the cases and affairs of the subjects to the ruler; and he performed all functions connected with the Shari'ah. The theoretical basis for the post of the Sadr is given by Abul Fadl. According to him the Sadr should be appointed:

"In order that the ascetics and the devout persons might approach the sublime threshold and receive pensions and support in accordance with their condition. In this way they should be comforted and give themselves up to devotion without anxiety.

1. Suluk-nul-Muluk, f. 22a.

Though this tribe of men is to be found in every country, and there is no clime without them, yet they are most numerous in the districts of India.¹

Abul Fadl makes out the Sadr as merely a dispenser of t of charity - the state almoner. But Abul Fadl's statement about the scope of the Sadr's authority does not give complete facts about the matter. The contemporary chronicles and Abul Fadl's own books testify to the fact that the Sadr performed more or less the same functions during early years of Akbar's reign which he did before the Mughals.

As the chief religious officer, the Sadr was selected among the outstanding scholars of the realm. But if there were more than one scholar of great merit, the person who enjoyed greater reputation for personal piety and integrity of character was selected.² ^mtt^s

Qualification of the Sadr:

While enumerating the qualifications of the Sadr, Abul Fadl neither includes the knowledge of religious law nor learning as essential merits. He has given the following qualifications for the Sadr:

1. He should be generous, so as not to make this high office a scene of exaction and contention. He should not covet the

1. Akbar Nama, II, pp. 247-48.

2. Suluk-ul-Muluk, f. 21b.



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goods of the poor, for to cast eyes of desire on any one's property is to make oneself the general laughing stock. It is most wretched if in this way he should seek to satisfy his avarice.

2. He should be experienced, discerner of human nature, and capable of comprehending the grades of sagacity, so as not to be swayed by the oppressors and blandishment of the flatters and his own ignorance. He must estimate every man on his own merits as to enhance the prestige of his own work.
3. He should not be ease-loving by nature so as to waste his time in idleness and sloth, and cause delay in the affairs of the poor. He should be hardworking^{and} spend his time in fulfilling¹ the needs of the destitutes and poor.⁴⁴ⁱⁱ
4. A man of correct intentions, he should be on peace with all as he had to make inquiry into the circumstances of the people and their actual needs before making grants.²

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The Midayat-ul-Qawaniin enumerates the following qualification of the Sadr:

1. He should be learned, honest, polite, considerate and friendly. He should perform the affairs of people allotted to him, without

1. Akbar Nama, II, p. 248.

2. A'in-i-Akbari, I, p. 146.

3. Midayat-ul-Qawaniin, f. 20a.

The Safavids only appointed Saiyids, or in other words the descendants of the Prophet to this great office. The History of Persia (Malcolm), I, p. 688.

delay to save people from embarrassment. It will enhance his prestige.

2. Whatever should be given to him he should accept with thanks, that is, he should be a man of contented nature.

In emphasising the above qualifications, Abul Fadl has kept in mind the charity aspect of the Sadarat only. A careful scrutiny of the credentials of all those who have occupied this post leads to the conclusion, that academic eminence was considered one of the most essential qualifications for a Sadr.

the Maulana Mahiuddin Farghari, Humayun's Sadr, was, according to Qanun-i-Humayuni, a "Jupiter of learning."¹ Shaikh Gada'i Kanboh, the first Sadr of Akbar's reign was a distinguished scholar and poet of his time; he composed verses in Hindi and Persian.² Shaikh 'Abd-un-Nabi, the other distinguished Sadr of Akbar, had completed his study of the traditional subjects as well as the traditions of the Prophet (Ahadith) in Hijaz.³

Mir Fath Ullah Shirazi had completed his education under most competent teachers of his time, like Khwaja Jamal Uddin Mahmud, Maulana Kamal Uddin Sherwani and Mir Ghiath Uddin Mansur Shirazi. In his home country, he was regarded as the spiritual guide of the nobles of 'Fars'.⁴ He possessed extensive knowledge of Arabic,

1. Qanun-i-Humayuni, p. 41.

2. Badaun'ni, III, pp. 76-77; Mu'athir-ul-Ikbar, II, p. 640.

3. Badaun'ni, III, pp. 79-80; Akhbar-ul-Akhbar, pp. 222-23.

4. Badaun'ni, III, pp. 164-66; Badaun'ni, II, p. 386.

Traditions (Ahadith), and commentary (Tafsir) and was also well versed in astrology and astronomy. "So much learning had he", writes Abul Fadi, "that if the old books of wisdom had disappeared, he could have laid a new foundation (of knowledge), and the world would not have wished for what had gone."¹

Miran Sadr Jahan was also a learned man and had studied under Shaikh 'Abd-un-Nabi. He had a poetic bent of mind and composed verses, but when he occupied the post of Mukhi, he gave up poetry in consideration for the Shariat.² The other post holders were such eminent scholars as Saiyid Ahmad Qadiri,³ Mulla Taqi-us-Shustri,⁴ Saiyid Muhammad of Thatta,⁵ Saiyid Jalal Bekhari,⁶ Mirak

1. Akbar Nama, III, p. 401.

2. Badai'ul, II, p. 336; Badai'ul, III, pp. 141-42; Ma'athir-ul-Makarr, III, p. 361.

3. Dakhirat-ul-Khamsin, f. 112a. The collection of letters of Imam Rabbani contains a letter addressed to Saiyid Ahmad Qadiri in which Shariat and Haqiqat (Reality) have been discussed at great length. It signifies the fact that Saiyid Ahmad would have been quite a well read and mystically inclined person. Ma'athir, I, pp. 107-8.

4. Ma'athir-ul-Makarr, III, pp. 673-83; Dakhirat-ul-Khamsin, f. 172a.

لا یوزحان سید احمد قدری لا تها وقلی نورالد وقلی عیسی و لا احد فیه
مجلد وقت وزحان عمر و قدر روزگار بدست - ذخیره الخوامین ۱۱۲ پ

5. Ma'athir-ul-Makarr, III, pp. 333-72; Dakhirat-ul-Khamsin, f. 112a. The following incident recorded in the Dakhira brings out the great knowledge of Mulla Muhammad:

بدست حدت روز لا اتصال مابین لا احد فیه و لا محلی مابین احد علی بود -
سوی این مجتهد (شیخ فیه) با لا محلی جوهری نسبت شاکری داشت برسد
که لا احد را در تحصیل علم به طور یکنواخت مشارالیه گفت که در جمع علوم سرآمد وقت
خود داشت اینطور بود و در حدت بود نسبت الا در علم فیه که اشکال بود محتاج
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6. Lahori, II, p. 754; Ma'athir-ul-Makarr, III, pp. 347-51.

Shaikh Haravi,¹ Qulich Khan Khwaja 'Abid,² and Mulla Makhdum Thatta.³ Thus it is clear that most of the Sadrs of the Mughals were men of learning. The only persons who were devoid of learning and still got the post of the Sadr-us-Sudur were 'Abd-ul-'Azim Sultan Khwaja⁴ and Musavi Khan.⁵

Personnel:

The Sadarat department was not an extensive one. Its head - the Sadr received help from a limited number of officials. The Qadi and the Mir 'Adl helped the Sadr-us-Sudur in his work.⁶ In the important financial matters he was assisted by a clerk (Bitikhshi), known as the Divan-i-Sa'adat.⁷ Besides, an officer called Wakil or deputy carried on the routine work of the Sadr. Shaikh 'Abd-un-Nabi was served by Saiyid 'Abd-un-Kasul in the capacity of Wakil. He was an avaricious person and took bribes.⁸ Fath Ullah Shirazi had an assistant (Naukar), Kamal Shirazi, who performed his master's duty when Fath Ullah was sent on the Deccan campaign.⁹

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1. Lahori, II, p. 766; Ma'athir-ul-Umara, III, p. 619.
 2. Ma'athir-ul-Umara, III, pp. 120-23.
 3. Ibid., III, p. 32.
 4. Akbar Nama, III, p. 486; Ma'athir-ul-Umara, II, pp. 379-83; Writing about Sultan Khwaja, Abul Fadi says:

اگرچه برقرار و شیب علی بر نیامده است ان دانش زاررسی طے نکرده اما پاره
مراتب سلوک و تصوف در زنده -

5. Dakhirat-ul-Khawarizmi, 1380.; Ma'athir-ul-Umara, III, pp. 441-49.
6. A'in-i-Akbari, I, p. 156.
7. Ibid.
8. Badauni, II, pp. 204-206.
9. Ibid., II, p. 243.

The Mir'at-i-Ahmadi mentions one Hafiz Muhammad Nasir who was the charka d' affair of Saiyid Jalal Bokhari, the Sadr-us-Sudur of Shah Jahan.¹ An officer, styled the pushkar-i-Sadr-us-Sudur, has been mentioned by Aurangzeb in one of his letters.² When Shaikh Mahdum was appointed as the Sadr-us-Sudur, Muhammad Salih Kanboh was made Pashdast-i-Sadr in place of Mir Hasan.³

Thus it appears that beside the Sadr, the personnel of the Sadarat consisted of a clerk, the Diwan-i-Sa'adat, and the Mir 'Adl and Qadi. There might have been one or two other officers. Probably the Nakil, Pashdast or Pushkar of the Sadr was one and the same person but variously styled.

Duties:

As the leader of the Ahl-i-Sa'adat, the Sadr-us-Sudur represented their cases and needs at the court.⁴ Deserving scholars were recommended to the Sadr by persons who knew them.⁵ The Sadr himself kept in contact with all scholars who were in need of financial help. Sometimes the 'Ulama themselves applied to the Sadr for help. After the necessary verification, the Sadr represented their cases to the court. The Mughal rulers encouraged of

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1. Mir'at-i-Ahmadi, I, p. 336.
 2. Ru'usat-i-'Alamiyati, p. 38; f. 10b. Aurangzeb refers to the officer as he had become suspicious of his intentions by presenting the same needy person again and again.
 3. Ma'athir-i-'Alamiyati, p. 138.
 4. Mir'at-i-Ahmadi, pp. 3-4; Akbar Nama, II, p. 248; Lahori, I, p. 66.
 5. Maknusat, I, pp. 107-8.

their nobles to introduce the needy in the court." But Shaikh 'Abd-un-Nabi, the Sadr, felt offended when Badaun'ni was introduced at the court by Jamal Khan Qurehi and Hakim 'Ain-ul-Mulk.² Abul Fadl represented the cases of the deserving people of Delhi, Sirhind, etc. and secured land and money for them.³ The position of the Sadr-us-Sudur, as the leader of Ahl-i-Sa'adat, and an arbiter of their fate, began to decline soon after the fall of Shaikh 'Abd-un-Nabi.

In one of his Institutes, Timur says that he appointed a man of holiness and of illustrious family to the Sadarat "to watch over the conduct of the faithful, that he might regulate the manners of their time, and appoint Mutawallis, and establish in every city and in every town a Qadi-ul-Quddat, a Mufti, a Mutasahib, and that he might ordain Suyurghal and Wazifas for the Saiyids, 'Ulama, and Mashaikh (saint and deserving people)."⁴

At his appointment as the Sadr by Humayun, Maulana Muhiuddin Farghari was allotted the following duties : the management of the affairs of revered Shaikhs, the respected Saiyids, the trusted Qadis, the appointment and dismissal of judicial and religious officers. The administration of the charity funds and grant-lands was also included in his duties.⁵

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1. A'in-i-Akbari, I, pp. 166-67.
 2. Badaun'ni, II, pp. 176-76.
 3. Ru'at-i-Abul Fadl, pp. 101-2.
 4. Institutes, I, p. 177.
 5. Canun-i-Humayuni, p. 41.

The religious and judicial officers appointed by the Sadr were : the Qadis, Mir 'Adils, Imams of mosques, Khatibs Muntasibs and teachers. They were selected from among the scholars known to the Sadr or recommended to him or the Emperor.¹ The Sadr signed the appointment letters and sealed their salary papers.²

The representation for the appointment to any religious post was generally made to the Sadr. It could be made by the Wakil Nizam,³ the Sadr of the Suban,⁴ Qadi of the place, sometimes even by the people of the place.⁵ The appointment was made at the King's order.⁶

The Sadr of Shah Jahan was entrusted the duty of fulfilling the desires of the people according to their need and condition.⁷

The author of the Hidayat-ul-Qawanin has suggested the following duties for the Sadr-us-Sudur:⁸

1. Maknabat, I, p. 196; Akbar Nama, II, pp.
2. Wakil Sarker Ameer, pp. 280-81; Mir'at-i-Ahmedi, Suppl. pp. 173, 174
Munsha'at-i-Namkin, ff. 66ab; Selected Document of Aurangzeb's
Reign, No. 961.
3. Selected Document of Shah Shah's reign : 197.
4. Wakil Sarker Ameer, p. 280.
5. Ibid., p. 45.
6. Mir'at-i-Ahmedi, Suppl. pp. 173-74.
7. 'Imal-i-Salih, II, pp. 376-77.
8. Hidayat-ul-Qawanin, f. 20a.

Hidayat Ullah Bihari has discussed the duties and responsibility of the Sadr-us-Sudur in connection with the provincial Sadrs and that only relating to the subsistances and scholarships.

These duties were neither those which the Suluk-ul-Mulk has allotted to the Sadr, nor the ones entrusted by Timur to his Sadr or performed by Muhammadin Farghari. They were only a portion of the duties originally meant for the chief religious officer of the Muslims.

But it is interesting to note that Sadrs of the Safavids retained some of the original duties of the office. Tadhkirat-ul-Mulk lists the following duties:

1. He should entrust the list of the Aimadars (grantees) and of the Rosinadars (receivers of daily allowance) to the provincial Sadr (Sadr-i-Jus).
2. He should give to the provincial Sadr, the Dastur-ul-Amal, which was prepared (at the royal order) respecting the deceased and the absconding (Kauti O Farari) domestics, and of the hereditary and new Aimadars, Rosinadars and students. He was also expected to impress on them the need to follow the rules and regulations.

The Sadr as the chief religious officer also supervised the judiciary; he decided cases only of a religious nature. Having the work of a whole department on his shoulders, it would have been difficult for him to take up the whole work of judiciary upon himself. So, only cases of heresy, blasphemy and other such ones involving some religious controversy came before the Sadr for trial. It was during the reign of Akbar that the judicial aspect of the duties of a Sadr came into prominence. But this was confined to the Sadarat of Shaikh 'Abd-un-Nabi. Under Akbar's successors the Sadr-us-Sudur never exercised the judicial powers, as the Qadi had the control of judicial matters.

The cases tried by 'Abd-un-Nabi in his judicial capacity were of Mirza Muqim, Mir Habsah, ¹Khidr Khan Sherwani and Mathura Brahmin. The last one was very important from many points. During the Sadarat of Shaikh 'Abd-un-Nabi, Qadi 'Abdur-Rahim of Mathura

(Continued from previous page)

"They (Sadrs) must introduce the Saiyids and the wearers of turban and act as deputy in their affairs, administer the endowments and pay out the sums for Shari'at purposes. (Tadhkirat-ul-Muluk Commentary, p. III).

1. Supra, p. 18.

laid a complaint before the Shaikh that a wealthy Brahmin carried off the material which the Qadi had collected for the construction of a mosque and built a temple; when the Qadi attempted to prevent him, he abused the Prophet in the presence of the witnesses and showed contempt for Muslims in various ways. The Brahmin was called upon to appear at the court but he disobeyed the summon. Bir Bal and Shaikh Abul Fadi, who were sent to bring him from there, reported that the charges had been confirmed by various witnesses. When the 'Ulama were consulted in the matters of the punishment to the Brahmin, some favoured execution and others 'Tashhir' and fine. When the Shaikh requested the Emperor's opinion, he remarked, "Punishments for offenses against the holy law are in the hands of you the 'Ulama : what do you require of me?" The Brahmin remained in custody and when the Shaikh persisted in asking Akbar's opinion, the Emperor said, "you have received your answer it is that which I have given." So the Shaikh ordered the execution.¹

This case proved the turning point in 'Abd-un-Nabi's career and his influence began to decline. The reason was that after the execution, the question of the Mathura Brahmin's punishment again came for discussion. The 'Ulama realised that Akbar did not favour the execution and they condemned the act of the Shaikh and said that in the offenses in which traditions have given great choice in matters of punishment the lighter one was to be adopted. This made Akbar angry with the Shaikh. In fact Akbar was already seeking *iim* loopholes to undermine the Shaikh's authority and this offered a suitable excuse.

1. Badau'ni, III, pp. 79-81.

The other point which is illumined by this incident is that at one time Akbar accepted the idea that the cases of religious nature were to be decided by the 'Ulama.

The character of the ^{court} 'Ulama was also revealed, that they were time-serving and acted in accordance with the royal inclinations.

Another affair in which Shaikh 'Abd-un-Nabi was consulted was of a descendent of Saiyid Muhammad Ghauth of Cavalior, who had fallen in love with a singing girl of Agra. Akbar, though aware of this affair, gave away the girl to one Muqbil Khan. Sometimes later the lovers eloped. Shaikh Dia Uddin was sent to bring the renegade lovers, who committed suicide in desperation. But then the question arose what sort of burial should be given to them. Shaikh Dia Uddin wanted to give a martyr's burial in accordance with some Hadith. But Shaikh 'Abd-un-Nabi declared that having died unclean and stained with adultery¹ they did not deserve the said honour.

The cases cited above point to the fact that the Sadr decide only select cases in which some point of Shara' was involved. All the other cases were heard and decided by the judiciary officers. *

1. Badau'ni, II, p. 119.

The difference of opinion between Shaikh 'Abd-un-Nabi and Shaikh Dia Uddin was not merely that of two persons but of two ideologies. 'Abd-un-Nabi was an externalist and 'Shaikh Dia Uddin was of a mystic bent of mind. Hence the vast difference of opinion on the same matter.

Education:

The Sadr was expected to protect and promote religious learning. This naturally made education also his responsibility. In this connection he had to inquire into the condition of the scholars of the realm, to know their eminence in knowledge and religion, to look into their methods of instruction, and finally to assess their power to interpretation and religious decisions (Itihad o Ifta). He was expected to ascertain as to who was interested in a particular branch of religious learning and was better qualified to instruct in that field. This knowledge helped him in making various appointments of teachers.¹ od

The Sadr had a number of duties in connection with the students also. He had to help them to select their subject of study in accordance with their mental capacity and particular interest, and to assign them to some teacher of the subject. He was to make periodic tests and take examination to check the progress of the students in their subject of study. Encouragement in the shape of In'ams (rewards) and Nasifas (scholarships) was also his responsibility.²

In the Mughal period the Sadr continued to supervise learning as he had the control of the scholarships and land grants. But the promotion of education in the Empire was much more the achievement of the Mughal sovereigns and/ individual scholars than of any specific department.

1. Suluk-ul-Mulk, f. 22b.

2. Ibid., ff. 22b-23a.

The Mughal rulers were men of education and learning.¹ They ever tried to widen their knowledge by employing persons to read to them well-known books of different subjects in the evening, or themselves indulged in extensive studies.²

The education of the princes was also meticulously arranged and qualified tutors were appointed to give instructions in requisite subjects and arts essential for a prince.³

The diffusion of learning among the masses took place through the exertion of the state, the schools and colleges attached and to the mosques or hospices, the exertion of the private teachers.

Several madrasas had already existed in the Empire and the Mughal rulers and their nobles added to their numbers considerably.⁴ Akbar found a college at Fatehpur Sikri, on the hills, the like of which few travellers can name.⁵ Bayazid Bayat converted a dilapidated temple at Benaras into a madrasa which was endowed by Akbar.⁶ Maulana 'Alauddin built a school (madrasa-i-Khasa) at Agra in 969 A.H./ 1562 A.D.⁷ Mirza Mufliis, a great scholar of Akbar's time was a

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1. History of Jahangir, pp. 13-19; Lahori, I, p. 132; Alamsir Nama, pp. 1091, 1096.
 2. A'in-i-Akbari, I, pp. 167-8; Lahori, I, p. 163.
 3. History of Jahangir, pp. 13-19. History of Shah Jahan of Delhi pp. 2-5; Promotion of Learning, p. 150.
 4. Lahore Number, Nuzush, February, 1962, pp. 441-525; Promotion of Learning, II, pp. 163-4.
 5. A'in-i-Akbari, II (Jarrett), p. 191.
 6. Bayazid Bayat, pp. 310-11.
 7. Badauni, II, p. 66.

teacher at the Madrasa-i-Khwaia Mu'laiddin for three years.¹ Maham Anga, nurse of Akbar, also built a Madrasa at Agra in 1561 A.D.²

Under Jahangir, the escheated property of the nobles was spent mostly on public works, which included the construction of new schools.³ Jahangir repaired those Madrasas that had for thirty years been the dwelling places of birds and beast.⁴

About Shah Jahan's reign, we are told that the recipients of Wazifas and Mada-i-Ma'ash lands had constructed mosques, schools, hospices in their area. The students were welcomed in these schools from all part of the Empire. People of comfortable means deemed it an honour to offer hospitality to the students.⁵

The practice of founding schools continued after Shah Jahan. In A.H. 1111/A.D. 1699. Muhammad Akram-Uddin built a Madrasa at Ahmadabad at the expense of Rs.1 lac and 24 thousand. For the expenses of its teachers and students Aurangzeb gave the two Mau'das of Sondhra and Mitha.⁶ Most of the schools were endowed by the state, the nobles and private persons.

1. Tabaqat-i-Akbari, III, p. 390; Badauni, III, pp. 155-7.

2. Akbar Nama, II, p. 201.

3. Tuzuk-i-Jahangiri, p. 8.

4. Ishtikh-i-Khan Jahani, II, p. 668.

5. Ma'athir-i-Mulkaram, I, pp. 221-22.

6. Mirat-i-Ahmadi, I, p. 303.

For the education of the Bohrahs of Gujarat, Aurangzeb appointed teachers; the students were examined periodically and the results reported to the Emperor. Unlike general educational policy of Aurangzeb, the expenses of the education in this instance were borne by the community at the imperial orders as some members of this community proved troublesome for the state.¹

Referring to the exertions of Aurangzeb in the diffusion of learning among his subjects, Muhammad Kazim remarks : He has appointed teachers and scholars in all the cities and Qasbas of the Empire, with suitable subsistence in the form of Kasina and Inlak, to give instructions to the students. He has also fixed stipends for the students according to their condition, status and qualification in every place and territory.² "In this connection³ as much money have been spent from the royal treasury. Due to the generosity and open-handedness of the Emperor, the students have been able to concentrate on the acquisition of learning without any monetary embarrassment.³"

The education was free. The teachers of the state schools received salaries from the government. Aurangzeb ordered the

1. Mirat-i-Ahmadi, I, pp. 358-59.

2. "Aurangzeb assisted students in proportion to their proficiency with daily stipends viz. students of Mizan received 1 anna, of Munsha'at 2 annas, and upto sharhi waqaysh and Piqsh 8 annas per diem." Tarikh-i-Farh-Bakhsh as cited in the Promotion of Learning, II, p. 188.

3. 'Alamgir Nama, pp. 118-6; Waqiat-i-'Alamgiri, pp. 210-11. Ma'athir-i-'Alamgiri, p. 629.

appointment of teachers in every Subah. In this connection three more teachers were appointed at Ahmadabad.¹ Shaikh 'Abd-un-Nabi granted upto hundred hishas to the teachers of the Hedaya and other religious books.²

The students received scholarships and monetary help in the form of ronis or Rosins. Once Shah Jahan was informed about a student, Mulla 'Abdullah, who lived under very straitened circumstances without any support. Shah Jahan fixed annas twelve as his daily allowance from the treasury of Burhanpur. The need of Mulla 'Abdullah was brought to the notice of the Emperor, by Hakim Muhammad Mahdi, the Sadr, and Ishaq Husaini, the Wazir Nigar of the place.³

Under Aurangzeb the students received their stipends at the seal of the teacher with the approval of the local Sadr, from the provincial treasury.⁴ In A.H. 1093/1682 A.D. the stipends of the scholars and students were made over to the imperial treasury (Khizana-i-'Amara).⁵ When Aurangzeb reduced the weight of the fulus from twenty-one to fourteen masnas, the students were affected financially and petitioned to the court; Aurangzeb ordered an increase in their Rosins in proportion to 10 : 16 (i.e. they were to receive for two former coins the three new ones).⁶ 3mnr

1. Mirat-i-Ahmadi, I, p. 272.

2. Badaun'i, II, pp. 206-6.

3. Selected Documents of Shah Jahan's Reign (S.D.S.R.) No.78.

4. Mirat-i-Ahmadi, I, p. 272.

5. Ibid., pp. 303-4.

6. Ibid., I, p. 277.

Special schools of the non-Muslims also existed in the Empire. The Christian missionaries established their own college at Agra.¹ Hindu schools existed in all parts of the Empire. The Ma'athir-i-Alamgiri has mentioned the schools of Thatta, Multan and Benaras. As Hindus and Muslims^{both} attended these centres of Hindu learning Aurangzeb's religious susceptibility was effected and in 1079 A.H./1668 A.D. he ordered the demolition of all such schools and houses of worship in the Empire.²

Some scholars seems to think that this order applied to all the schools and temples of Hindus.³ If this would have been the case no ancient temple and school would have survived upto our times, which is not the case. In fact Aurangzeb was not concerned with those schools which instructed only Hindus. Those schools where Muslims also came to study were ordered to be destroyed as objectionable (the term used is Kutub-i-Batila, 'false books) books were taught there. However good his intention and anxiety for his co-religionists, Aurangzeb was not justified in the destruction of these places.

Beside the schools of Hindus, learned Brahmins gave lectures in some religious subjects which were attended by the scholars in great numbers.⁴

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1. MacLagan, pp. 316-17, 126, 76, 176-76.
 2. Ma'athir-i-Alamgiri, p. 81.
 3. The Religious policy of the Mughal Emperors, pp. 131-2.
 4. Della Vale, I, p. 76.

But the most popular means of acquiring learning was by attending the discourses of the private teachers. Imparting instructions in their special fields of study was the favourite profession of the 'Ulama. There was rarely a learned man whose name is not associated with teaching. For the reign of Akbar, we have a long list of scholars in the pages of the Tabaqat and Muntakhab-ut-Tawarikh. Mullah Mir Kalan Haravi, who lived to be eighty, spent his life in teaching, at Agra. Amir Murtaza Sharifi, who came to India in 973 A.H./1566 A.D. gave lessons in various kinds of exact sciences and in philosophy. Mulla 'Alauddin, a very learned man, was Akbar's tutor for sometimes. 'Abd-ul-Latif Qasvini was also one of Akbar's teachers. Mian Hatim Sanbhali spent his time in teaching. He had memorised most of the books of general study. Mian Ahmadi, a pious man and a great scholar of Amethi gave lessons from memory in books of traditional learning.¹ Beside these scholars there were Mulla Munawwar Lahori, Mullah Shaikh Husain Baghdadi, Mulla Shaikh Hasan, Mullah Allahdad Langarkhani, Mulla Muqim, Mullah Jamal and Mulla Haji Kashmiri² who gave lessons in one or the other branches of study which were attended by students.

Mir Fath Ullah Shirazi, Akbar's Sadr, who was a man of extensive knowledge³ used to give instruction to small children

1. Tabaqat-i-Akbari, III, pp. 390-3.

2. Ibid., III, pp. 392-3.

Badauni in the third volume of his Muntakhab has a separate section on the learned men and from some of them he received instructions. Badauni, III, p. 67 et. seq.

3. Tabaqat-i-Akbari, II, p. 389.

of the nobles. His interest in this great profession was so great that inspite of his high position he used to visit the houses of his students.¹ Badau'ni depreciates his exertions in this field by saying that no scholar of merit was ever associated with him.² But Badau'ni's opinion is wrong as Mullah 'Abdus Salam Lahori the eminent scholar was his disciple.³ He spent sixty years in teaching and left such eminent disciples as Mulla 'Abd-us-Salam of Dewah.⁴ Mullah 'Abdul Hakim Sialkoti, who received some villages as Madad-i-Ma'ash from Shah Jahan and spent his time in imparting instructions to the student, was a disciple of Mulla 'Abdus Salam of Dewah.⁵

Shaikh Mu'in, who was for sometimes the Qadi of Lahor under Akbar, was so much interested in teaching that he spent the income from his Madad-i-Ma'ash to pay the scribes to copy valuable books for his students.⁶

Mulla Muhammad Fadil, Qadi Muhammad Aslam, Mulla Mirak, Mulla 'Abdul Latif Sultanpuri and Hashim Gilani were great teachers of Shah Jahan's reign.⁷

1. Badau'ni, II, pp. 316-17.

2. Ibid., III, pp. 154-55.

3. Ma'athir-ule-Karam, I, p. 236.

4. 'Amal-i-Salih, III, p. 390; Ma'athir-ule-Karam, I, p. 236.

5. Lahori, II, p. 756; Ma'athir-ule-Karam, I, p. 236.

6. Badau'ni, III, p.

7. Salah Uddin, p. 16; Lahori, II, pp. 756, 396-7.

For the reign of Aurangzeb a long list of the scholars is available who spent their time in giving instructions to the students. Haji Ahmad Sa'id, one of the great 'Alims of Bihar, (rose to be a hazari under Aurangzeb) gave lessons.¹ Shaikh Sulaiman, the Darogha-i-'Adalat under Aurangzeb, inspite of his manifold duties, spent his nights (shabha) in imparting instructions in various subjects.² Mirza Zahid, who wrote commentaries on several course books, instructed many students who later earned name as eminent scholars. Besides, Mulla Yaqub, Shaikh 'Abdul-'Aziz Akbarabadi, Shaikh Qutub Burhanpuri, Saliyd 'Ali Akbar Sa'd Ullah Khani, Mulla Muhammad Akram Lahori, Hafiz Ibrahim, Mullah 'Abdullah Baqi Jaunpuri and Qadi Muhibullah Bihari did their utmost in the diffusion of learning.⁴

About some of them, if not all, we know that they received subsistence from the state which helped them in concentrating single mindedly to their profession of teaching. Some others were state servant and gave lessons as a pastime.

Some Mughal rulers even showed interest in the method of instruction and the curriculum to be taught, is borne out by some accounts of the period. Abul Fadi in the 'Regulations regarding

1. Farnat-un-Nazir, (OCH. May, 1928, Vol.4, pt. 3; August, 1928 Vol. 4, pt.4).

2. Ibid.

3. Ibid.

4. Salah Uddin, p. 16.

Education,¹ has recorded Akbar's views in this connection. According to Akbar the old method of instruction was useless and wasteful. He ordered that, 'every student should first learn to write the letters of Alphabet, and also learn to trace their several forms. t. He ought to learn the shape and name of each letter, which may be done in two days, when the boy should proceed to write the joined letters. They may be practised for a week, after which the boy should learn some prose and poetry by heart, and then commit to memory some verses to the praise of God, or moral sentences, each written separately.' But in this reform Akbar, probably kept in mind very bright students, as the mental capacities of all students could not be of the same level the method seems to be a little impracticable. The curriculum approved by Akbar included all 'those things which the present time requires', and comprised in the list of subjects, 'books on morals, arithmetic, the notation peculiar to arithmetic, agriculture, mensuration, geometry, astronomy, physiognomy, household matters, the rules of government, medicine, logic, the theological (Ilahi), the mathematical and physical sciences as well as history, all of which may be gradually acquired.² Dr. Smith is very critical of this curriculum and says that it obviously 'has no relation to facts. No school in India or elsewhere had ever attempted to work such programme.'³

1. A'in-i-Akbari, I, p. 160.

2. Ibid., II, p. 160.

3. Akbar the Great Mogul, p. 387.

Dr. N.N.Law is very favourably disposed towards Akbar's reforms in the field of education. He remarks: "Akbar's reign marks a new epoch for the system introduced for imparting education in schools and colleges. The innovations and improvements that were introduced were the outcome of the liberal heart of the Emperor, which made its influence felt in so many other directions. We see in Akbar, perhaps for the first time in Muhammadan history, a monarch sincerely eager to further the education of the Hindus and the Muhammadan's alike. We also notice for the first time, the Hindus and the Muhammadans studying in the same schools and colleges.¹" t

Another Emperor, whose views about education have come down to us through Bernier was Aurangzeb. These views were expressed to his former teacher called Mulla Sale (identity not established) by Aurangzeb, who came to court after his accession in expectation of some reward. Aurangzeb after enumerating the short-comings of the education given to him, reported to have remarked: "Was it not incumbent upon my preceptor to make me acquainted with the distinguishing features of every nation of the earth, its resources and strength; its mode of warfare its manners, religion, form of government, and wherein its interests principally consists and by a regular course of historical reading, to render me familiar with the origin of the States; their progress and decline, the events, accidents, or errors, owing to which such great changes and mighty revolutions have been effected."² oB

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1. Promotion of Learning, II, pp. 160-1.
 2. Bernier, pp. 155-6.

After estimating the efforts of Mughal rulers in the field of education, Dr. Law alludes their interest in the diffusion of learning to their childhood training. He remarks, "This was no doubt due to the love of learning which was infused into them by their education received by them from an early age."¹

Disbursement of Charity

The most important duty of the Sadr-us-Sudur was the disbursement of state charities, and grant of Madad-i-Ma'ash to scholars and destitutes.²

The material aid extended to the people was either in the form of money or land. The monetary allowance was called the wasifa (it could be daily - Rozana, or monthly - Mahana, or yearly - Salana allowance); the land-grants were called Milk or Madad-i-Ma'ash.³ Later another term, Aima,⁴ came to be used for the Madad-i-

1. Promotion of Learning, II, p. 190.

2. The needy and the deserving received wasifas, Rozanas, gold, silver and land in In'am and Altamsha and Madad-i-Ma'ash through the Sadr-us-Sudur. 'Alamsir Nama, pp. 1101-1102. Sawa'id-i-Sultanat-i-Shahishani, ff. 9-10.

3. A'in, I, p. 166.

4. Aima: The Mughals, following their predecessors, continued to grant lands in perpetuity, for benevolent purposes. During the Sultanate period such grants were known as Milk or Jalsh. In the Mughal period the grant was known as Madad-i-Ma'ash or Suyurghal. Later in the Mughal period another term, Aima, came to be applied to such grants. The Mughal historians have also used this term in the sense of grantees. Great controversy exists about the actual term, its derivation and source.

Discussing the term, Dr. Irfan Habib says : "A name which came into use later was a'imma, plural of imam, literally meaning (religious) leaders, but, by linguistic corruption, applied to the land covered by the grants." The Agrarian System of Mughal India, p. 298.

But this does not seem to be correct. Aima, in fact is a Turkish term equivalent to Rizqa. It means food and Rozana or daily allowance. But in Persian the term came to mean that Ma'fi land and Jagir which was given to Muslim 'Ulama and recluses. Nur-ul-Lughat, I, p. 476.

Ma'ash. Abul Fadl has dealt with these two kinds of subsistences, monetary and land, under the Turkish term Suyurghal.¹

According to Abul Fadl, the following four classes of people were thought worthy of, and in need for subsistence:

1. Enquires after wisdom who had withdrawn from all worldly occupations, and made search after true knowledge the sole concern of their life.
2. The ascetics and hermits, who had left the world to get rid of selfish desires and human passions.
3. Indigents and the needy, who even did not have the strength to busy themselves in search of knowledge.
4. The men of gentle birth who from ignorance and want of learning, were deprived of the means of acquiring money.²

1. A'in-i-Akbari, I, p. 146.

Suyurghal: 'The best known of the terms referring to "immunities" from taxes and levies is Suyurghal. It had a perpetual and hereditary character and, by its virtue, the area held by the grantee formed a kind of the autonomous enclave within the state territory. By its origin, the Suyurghal seems to have been connected with an obligation for beneficiary to have in readiness a stipulated number of troops. In later times, the Suyurghals were often connected with religious endowments'. V.Minorsky, (Tr. Tadhkirat-ul-Muluk, Intro.), p. 27.

The contemporary chronicles have used Suyurghal invariably for land grants given for subsistence to people. Maulana 'Abd-ul-Latif received some Mahal as Suyurghal. (مجلد دوم) Lahori, II, pp. 344-46; 'Amal-i-Salih, III, p. 300. Sayat Khan received some Mau'das of Akbarabad, yielding a revenue of 20 lac dams as Suyurghal (مجلد اول) * Khwaja Ishaq Dahbedi was granted some Mau'das in Suyurghal (مجلد اول) Lahori, II, p. 346; 'Amal-i-Salih, III, p. 221.

2. A'in-i-Akbari, I, pp. 166-67.

In the 23rd year of his reign (1679 A.D.), Akbar made another class of people eligible for the Madad-i-Ma'ash. This class comprised of those peasants who were honoured by offering hospitality to their Emperor while ^{the} on/march.¹ Jahangir gave Madad-i-Ma'ash land to those Zamindars, who had helped him against Khusrav with Jagirs and states.²

Timur says in his Tuzuk that he had ordered pensions, salaries and subsistences for the descendants of the prophet, the theologians men of science and medicine (حکما و اطبا), and also astrologers and historians. But the pensions, salaries and Suyurghals were given in proportion to 'their different ranks and status'.³ These orders of Timur applied even to the newly conquered territories.⁴

Probably there were no hard and fast rules about the eligibility of persons for the grants of Madad-i-Ma'ash. A man's need was the criterion for determining the amount of assistance to be given to him. The contemporary chronicles record Suyurghal grants to retired teachers and learned men, old and indigent doctors

1. Tahqiq-i-Akbari, II, p. 338.

2. Tuzuk-i-Jahangiri, p. 32.

(زمینداری که درین خدمت نواز دولت حوامین بجا آورده بودند ریاست و
چند عرانی میانه درهای جناب اہیت فرمودہ زمینہا بطریق مدد حاصل بہرہ
موجبت نمودم)

3. Institutes, II, pp. 234-35.

4. Ibid., II, p. 360.

and surgeons, anchorites, retired servants of state and people who had taken to dervashi.¹ Judicial officers generally received Madad-i-Na'ash lands and Rozianas.² Learning and merit was appreciated by the award of Aims lands.³ Endowments were made for the maintenance of sacred foundations, schools and Khannashas.⁴

In making grants no discrimination was made on grounds of sex. Men as well as women received wasifas and land.⁵ Several documents concerning grants are available which testify to the consideration of the Mughals for the women.⁶ The affairs of needy women were dealt with by Sadr-i-Anas.⁷ The Sadr-us-Sudur accepted all grants made under her seal.⁸

1. Maulana 'Abdul Latif, the teacher of Dara Shikoh when he lost his eye-sight received Madad-i-Na'ash land ('Amal-i-Salih, III p.390); Mulla 'Abd-ul-Hakim Sialkoti, a learned man, received grant land (Lahori, II, pp.340-41). Muqarrab Khan, the Surgeon, at his retirement in old age received land yielding one lac of rupees in his home country as the Madad-i-Na'ash, Lahori, II, p. 350. Mulla Muhammad Faqil, the Mir 'Adl-i-Urdu, received Suvurshal lands on his retirement, Lahori, II, p.340. Hayat Khan, a trusted servant of Shah Jahan received 20 lac of dams as Suvurshal, 'Amal-i-Salih, III, p.221. Khushhal Beg Kashghari received an yearly allowance of Rs.5000 and some villages when he gave up worldly affairs. 'Alamgir Nama, p. 193.
2. Allahabad Documents No.190. Selected Documents of Shah Jahan's Reign, 1629-90. Nizar Nama-i-Munshi, p.66. The post of the Qadi had a grant attached to it. Other religious officials such as the Muftis, and Muhtasibs also received Madad-i-Na'ash. Selected Document of Shah Jahan's Reign, p. 197.
3. Lahori, I, p. 346.
4. Some Faramans. Sanads and Farmanas No. 1,3,24,46,87.
5. 'Amal-i-Akhari, I, pp.155-56. Abul Fadl refers to the grants of Irani and Turani women.
6. Allahabad Documents No. 155,158,160,161.
7. Lahori, I, pp. 622-23.
8. 'Jahar Nama, III, p.66; 'Tuzuk-i-Jahangiri, p. 21.

The needy women received cash, daily allowances land according to their needs.¹ Sometimes the Begums provided dowry for the poor marriageable girls, and performed the ceremony.² Mumtaz Mahal and Nur Jahan both interested themselves in the welfare of the female population of the Empire.³

Religion also was no bar to the grant of the Mada-i-Ma'ash under the Mughals; Muslims as well as non-Muslims received the Mada-i-Ma'ash. Badau'ni cryptically remarks about Shaikh 'Abd-un-Nabi, that he made grants 'even to the Hindus'.⁴ Mughals had granted land to the Parsi⁵ and the Christian theologians.⁶ For Hindu temples of different gods, land free of taxes was granted under different names, as Bishnupurik (for Vishnu temples) Shivotri (to temples of Shiva), Devottar (for temples of Hindu gods) etc.⁷

The practice of making grants to the non-Muslims was continued by Akbar's successors.⁸ Aurangzeb is, however, reported to have

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1. Lahori, I, pp. 151-52; 'Amal-i-Salih, II, p.
 2. Lahori, I, pp. 151-52; Iqbal Nama, III, p. 57.
 3. Iqbal Nama, III, p. 57.
 4. Badau'ni, II, pp. 205-206. Imperial Farman's (A.D. 1577 to A.D. 1805) granted to the Ancestors of the Tikayat Maharaj
 5. Parsus at the court of Akbar, pp. 91.
 6. Macleagan, p. 70. During the reign of Jahangir, the Jesuit priests enjoyed allowances, provision was also made for their cemetery and churches. But, when Portuguese captured the Mughal vessels, all concessions to the foreigners were revoked Macleagan, p. 82). When, later the relations improved concessions were again restored, Macleagan, pp. 83-4.
 7. Some Farman, Sanads and Parwanas, Introduction, p.v.
 8. Some Farman, Sanads and Parwanas, Nos. 220, 226, 308, 315, 316. Imperial Farman's (A.D. 1577-1805) granted to the Ancestors of.....the Tikyat Maharaj. A Farman of Jahangir, (JBRAS. 1920-21, p. 176, 177, 178, 179, 180, 181, 182, 183, 184, 185, 186, 187, 188, 189, 190, 191, 192, 193, 194, 195, 196, 197, 198, 199, 200, 201, 202, 203, 204, 205, 206, 207, 208, 209, 210, 211, 212, 213, 214, 215, 216, 217, 218, 219, 220, 221, 222, 223, 224, 225, 226, 227, 228, 229, 230, 231, 232, 233, 234, 235, 236, 237, 238, 239, 240, 241, 242, 243, 244, 245, 246, 247, 248, 249, 250, 251, 252, 253, 254, 255, 256, 257, 258, 259, 260, 261, 262, 263, 264, 265, 266, 267, 268, 269, 270, 271, 272, 273, 274, 275, 276, 277, 278, 279, 280, 281, 282, 283, 284, 285, 286, 287, 288, 289, 290, 291, 292, 293, 294, 295, 296, 297, 298, 299, 300, 301, 302, 303, 304, 305, 306, 307, 308, 309, 310, 311, 312, 313, 314, 315, 316, 317, 318, 319, 320, 321, 322, 323, 324, 325, 326, 327, 328, 329, 330, 331, 332, 333, 334, 335, 336, 337, 338, 339, 340, 341, 342, 343, 344, 345, 346, 347, 348, 349, 350, 351, 352, 353, 354, 355, 356, 357, 358, 359, 360, 361, 362, 363, 364, 365, 366, 367, 368, 369, 370, 371, 372, 373, 374, 375, 376, 377, 378, 379, 380, 381, 382, 383, 384, 385, 386, 387, 388, 389, 390, 391, 392, 393, 394, 395, 396, 397, 398, 399, 400, 401, 402, 403, 404, 405, 406, 407, 408, 409, 410, 411, 412, 413, 414, 415, 416, 417, 418, 419, 420, 421, 422, 423, 424, 425, 426, 427, 428, 429, 430, 431, 432, 433, 434, 435, 436, 437, 438, 439, 440, 441, 442, 443, 444, 445, 446, 447, 448, 449, 450, 451, 452, 453, 454, 455, 456, 457, 458, 459, 460, 461, 462, 463, 464, 465, 466, 467, 468, 469, 470, 471, 472, 473, 474, 475, 476, 477, 478, 479, 480, 481, 482, 483, 484, 485, 486, 487, 488, 489, 490, 491, 492, 493, 494, 495, 496, 497, 498, 499, 500, 501, 502, 503, 504, 505, 506, 507, 508, 509, 510, 511, 512, 513, 514, 515, 516, 517, 518, 519, 520, 521, 522, 523, 524, 525, 526, 527, 528, 529, 530, 531, 532, 533, 534, 535, 536, 537, 538, 539, 540, 541, 542, 543, 544, 545, 546, 547, 548, 549, 550, 551, 552, 553, 554, 555, 556, 557, 558, 559, 560, 561, 562, 563, 564, 565, 566, 567, 568, 569, 570, 571, 572, 573, 574, 575, 576, 577, 578, 579, 580, 581, 582, 583, 584, 585, 586, 587, 588, 589, 590, 591, 592, 593, 594, 595, 596, 597, 598, 599, 600, 601, 602, 603, 604, 605, 606, 607, 608, 609, 610, 611, 612, 613, 614, 615, 616, 617, 618, 619, 620, 621, 622, 623, 624, 625, 626, 627, 628, 629, 630, 631, 632, 633, 634, 635, 636, 637, 638, 639, 640, 641, 642, 643, 644, 645, 646, 647, 648, 649, 650, 651, 652, 653, 654, 655, 656, 657, 658, 659, 660, 661, 662, 663, 664, 665, 666, 667, 668, 669, 670, 671, 672, 673, 674, 675, 676, 677, 678, 679, 680, 681, 682, 683, 684, 685, 686, 687, 688, 689, 690, 691, 692, 693, 694, 695, 696, 697, 698, 699, 700, 701, 702, 703, 704, 705, 706, 707, 708, 709, 710, 711, 712, 713, 714, 715, 716, 717, 718, 719, 720, 721, 722, 723, 724, 725, 726, 727, 728, 729, 730, 731, 732, 733, 734, 735, 736, 737, 738, 739, 740, 741, 742, 743, 744, 745, 746, 747, 748, 749, 750, 751, 752, 753, 754, 755, 756, 757, 758, 759, 760, 761, 762, 763, 764, 765, 766, 767, 768, 769, 770, 771, 772, 773, 774, 775, 776, 777, 778, 779, 780, 781, 782, 783, 784, 785, 786, 787, 788, 789, 790, 791, 792, 793, 794, 795, 796, 797, 798, 799, 800, 801, 802, 803, 804, 805, 806, 807, 808, 809, 810, 811, 812, 813, 814, 815, 816, 817, 818, 819, 820, 821, 822, 823, 824, 825, 826, 827, 828, 829, 830, 831, 832, 833, 834, 835, 836, 837, 838, 839, 840, 841, 842, 843, 844, 845, 846, 847, 848, 849, 850, 851, 852, 853, 854, 855, 856, 857, 858, 859, 860, 861, 862, 863, 864, 865, 866, 867, 868, 869, 870, 871, 872, 873, 874, 875, 876, 877, 878, 879, 880, 881, 882, 883, 884, 885, 886, 887, 888, 889, 890, 891, 892, 893, 894, 895, 896, 897, 898, 899, 900, 901, 902, 903, 904, 905, 906, 907, 908, 909, 910, 911, 912, 913, 914, 915, 916, 917, 918, 919, 920, 921, 922, 923, 924, 925, 926, 927, 928, 929, 930, 931, 932, 933, 934, 935, 936, 937, 938, 939, 940, 941, 942, 943, 944, 945, 946, 947, 948, 949, 950, 951, 952, 953, 954, 955, 956, 957, 958, 959, 960, 961, 962, 963, 964, 965, 966, 967, 968, 969, 970, 971, 972, 973, 974, 975, 976, 977, 978, 979, 980, 981, 982, 983, 984, 985, 986, 987, 988, 989, 990, 991, 992, 993, 994, 995, 996, 997, 998, 999, 1000).

ordered the resumption of lands, scholarships, Madad-i-Ma'ash and Rajina of some Hindus.¹ This does not seem to be a general order as the loyal Hindu zamindars and official, continued to enjoy Madad-i-Ma'ash as before.² Besides, new grants were also made to the Hindus under Aurangzeb.³

Procedure in grants:

The application for the Madad-i-Ma'ash was made to the Sadr-us-Sudur. It was the duty of the Sadr to make inquiries into the circumstances of the applicant and consider the case on its merits.⁴ When a person's need was considered genuine, he was presented at the court. The presentation could be made either by the Sadr or any of the courtiers.⁵ The Sadr under Shah Jahan presented the needy at the Jharoka,⁶ and he brought his business to the Emperor's notice even in the Ghusal Khana assemblies.⁷

1. Mir'at, I, p. 288.

2. Ibid., I, p. 288.

3. Some Fermanas, Sanads and Parwanas Nos. 308, 316. Jnan Chandra's articles published in the Journal of the Pakistan Historical Society, V, Pt. iv, VI, pt. i, of VII pt. i, ii, concern grants made or confirmed by Aurangzeb to non-Muslims.

4. A'in-i-Akbari, I, pp. 156-57.

5. A'in-i-Akbari, I, pp. 156-57.

6. Abul Fadl, in a letter to his father written from Kashmir says that he has represented the cause of the deserving needy people (اعزہ) of Delhi to Akbar; and at Akbar's instance had named 10,000 bighas cultivable waste (iftada Masru') for each of them; Akbar added Rs. 1,000 on his own accord to the stipulated land. Rus'at-i-Abul Fadl, pp. 69-70.

In another letter, written to Mahdum-ul-Mulk, Abul Fadl has tried to acquit himself of the charge that he was ignorant of the condition of Mutawattinan e Gosha Nashinan. He writes that from the time that he had taken service under Akbar he had never been lacking in consideration for the 'Kissa' (means incomparable used for saints and recluses). He had given 40,000 bighas cultivable land to the people of Delhi, 10,000 to that of Sirhind; 20,000 bighas to Kissa of Multan; 1 lac for the shrines of Khwaja Muinuddin, Shah Nadar and Salar Masud Ghazi, etc. To the people who had made known their needs,

After the king's consent, the Farman of the grant was prepared. The process of preparation of the order was elaborate. First, all the cases in which the king had given his approval, were entered in the Roznamcha of the Wazir ¹ Nawis. After passing the stages of Yad dasht (memorandum), and Talica (A.H.) they became the Sarkhat. The Sarkhat was sent to the office of the Diwan-i-Kul where it became the basis for the draft of the Farman.¹

For the conferment of the grants of Suvarghal, Rozina and subsistence allowances, the Farman-i-Thabti² was issued.³ Every Farman was signed by many state officials, including wakil, Mushrif-i-Divan, Sadr-us-Sudur, Mir-i-Mal, Khan-i-Saman, Bakhshi and the Diwan-i-Kul.

Every Farman had a number of seals. The seal of the Emperor was put over the Tughra, on the top of the Farman. The

(Continued from previous page)

Mahad-i-Ka'ash was given. In the end, Abul Fadl has requested Mahdum-ul-Mulk to send the list of names and details about the condition of the needy people of Jaunpur. Mudaf-i-Abul Fadl pp. 97-98.

6. Lahori, I, pp. 147-149; Chandra Bhan, p. 12.

7. Lahori, I, pp. 147-149; 'Alamsir Nama, pp. 1101-1102

1. A'in-i-Akhbari, I, p. 164.

2. Farman-i-Thabti: The farman which was signed and sealed by all the important ministers, and state officials, beside the king, was known as Farman-i-Thabti

3. A'in-i-Akhbari, p. 164.

princes put their seals in Taliqu. Every Farman had five folds. On the first fold, which was less broad, the Wakil put his seal near the edges; opposite to it but a little lower, the Mushrif-i-Divan put his seal in such a manner that half of it went to the second fold. Then a little lower came the Sadr's seal. But, when Shaikh 'Abd-un-Nabi¹ and Sultan Khwaja were Sadrs, they put their seals opposite to the Wakil's. The Mushrif fixed his seal on the fourth and the Shah-i-Tuikh on the fifth fold.² In the case of the Suyurghal, the Farman after having been signed by the Mustaufi was entered in the Daftar of the Divan-i-Sa'adat (A'in 14). They were then signed and sealed by the Sadr and the Divan-i-Kul.³

The new grants were made generally by the king.⁴ The princes and the nobles sometimes made grants from their own jagirs.⁵ The orders of the princes and nobles were known as Nishans and not Farmans.

1. Seal of 'Abd-un-Nabi: We know very little about the seals of Mughal Sadrs. Every Sadr seems to have his individual seal, with its own inscription. About the seal of Shaikh Abd-un-Nabi we are told that it had the following inscriptions:

لا اله الا انت سبحانك انى كنت من الطالبين

انتهى الاخير صلواته

2. A'in-i-Akbari, I, p. 154.
3. Ibid.
4. Tuzuk-i-Jahangiri, pp. 36, 66; Lahori, I, pp. 366-67.
5. Patna Library Nishans, Nos. 10, 11, 12, 13. These Nishans are of Prince Parvez published in Journal of the Bihar Research Society, XLII, (Farmans, Sanads, Nishans and Inscriptions, by Brahmadeva Prasad Ambasthya).

Farman and Sanads of Grant:

The grant order was generally addressed either to the Mutasaddia, the Gumashtag of the isgiardara or the Karoria of the present and future, of the place where the grant was allotted.¹ The top of the Farman bore some such inscription as 'God is great',² or 'In the name of God, most Gracious most Merciful'.³ The right hand corner was decorated by the name of the reigning monarch, in Tughra characters with some such title as 'the Shadow of God',⁴ 'Viceregent of the most Gracious one'. The seal of the Emperor was put on the first fold over the Tughra.⁵

The actual Farman began after enumerating the titles of the reigning monarch. It was drafted more or less as follows:

According to the order of His Majesty, from such and such a date and such and such a year so much land (stating its quality, arable or waste - capable of cultivation) from the stated Margana, is conferred and confirmed on such and such a person. It is further impressed that the area from the stated crop, (here the

1. Allahabad Documents, Nos. 155, 157, 158, 159, 160, 161, 162, 163.

2. Ibid.

3. Ibid. No. 8.

4. Ibid., No. 150, 159, 160.

5. Akbar's Farman dated 983 A.H. Transcription in the Research Library, History Department, A.M.U. Akbar's Farman dated 979 AHM (Original) Maulana Agad Library, A.M.U.

name of the crop was inserted) should be given after measurement and demarcation (Paṛmoda o chak bastā)¹. No change was to be introduced. On no pretext money was to be taken from the grantee; so that the revenue from the land should accrue for the maintenance of the grantee, from season to season and from year to year; so that he might engage himself in praying for the daily increasing fortune of the Emperor.² If the grantee possessed any thing at some other place (as house, garden or well), it was not to be considered his property.

In the last line of the Farman, generally, the date, day and the year of its issue was given.³

Most of the grant documents had the above matter, but changes in substance were not uncommon. Sometimes the order had the statement that the Mādad-i-Ma'āsh was given 'free of tax and in Ma'fi'.⁴ In some documents all those taxes and cesses were specifically stated from which the land was absolved.⁵

1. Allahabad Documents No. 73, 163.

The Farman only referred to the place (Māda' or pargana) where the grant was to be made and its extent. The local officers, after measurement and demarcation prepared the Chak Nama in which the complete situation and locality of the grant was recorded. The Chak Nama was handed over to the grantee to help him in knowing the full particulars of his assignment and establish his rights.

2. Allahabad Documents, Nos. 165, 168, 170, 176.

3. Ibid., Nos. 165, 167, 169, 176.

4. Ibid., No. 161.

5. Akbar's Farman dated 983 A.H. Transcript Research Library, History Department, A.M.U.

Nature of the grants:

What was the purpose of those grants? Were they made merely for 'benevolent purposes' or were there any obligations attached to them? Some scholars are of the opinion that the Madad-i-Ka'ash grants were given without any condition of service.¹ All Suyurbhala, Aina, or Madad-i-Ka'ash grants were neither free of tax nor merely for the benefit of indigents, destitutes and widows. The grants were of two kinds: (a) those given for benevolent purposes. This kind of grant bound the receiver only for praying for the 'Prosperity and stability' of the giver; (b) Those granted on condition of service. This kind of grant was made to the religious and law officials, such as the Qadi, the Mufti, the Imam and the Muhtasib, etc.,² in lieu of their salary.

An interesting instance of the latter type was the grant made to the historian Badau'ni. He was appointed Imam by Shaikh 'Abd-un-Nabi and was given 1000 highas of land, which was styled as Madad-i-Ka'ash in the Farran.³ The interesting part of the grant was that he was ordered to have his horses branded as the Mansabdar

1. Some Farrans, Sanads and Parwanas, Introduction, p.iii, Mr. Datta says, "The Madad-i-Ka'ash grants were essentially different from Jagir lands, because unlike the latter they were not given in return for the performance of any kind of service - civil or military."

2. Selected Documents of Shah Jahan's Reign, No. 20. Badau'ni, II, pp. 206-207, 274-76.

3. Badau'ni, II, pp. 206-207.

of 20.¹ But Badau'ni fell ill and could not fulfil the condition of the grant. Qadi 'Ali Baghdadi again presented him before Akbar in 987 A.H./1579 A.D. Akbar enquired in connection with his representation whether there was any condition with the grant. It was submitted that the grantee was too weak² to fulfil the condition of the grant. Some friends of the historian interceded on his behalf and pleaded that he was always in attendance. Thereupon Akbar remarked that he never forced service on anybody and that if Badau'ni did not intend to serve, his land was to be divided. When 'Abd-un-Nabi was consulted, he replied that as Badau'ni was a learned man and had some expenditure, seven or eight hundred highas of land without any condition of service, would do for him. Badau'ni's friends however advised him to remain in a service. According to Badau'ni this was all due to the fact that he did not fulfil the condition of having his horses branded.³ This was a unique case in which the grantee was asked to brand his horses and present for muster.

Apart from the fact that land was given to the Ahl-i-Sa'adat on condition of service, some of them, if not all, were surely

1. Badau'ni, II, pp. 206-207.

2. Badau'ni, says that when his weakness (دانش) due to ailment was put forward as an excuse for the non-fulfilment of the condition, Ghazi Khan, making a pun on the word weakness (دان'ف دانش), remarked humourously, that it was the weakness of his fortune.

3. Badau'ni, II, pp. 276-76.

expected to accompany the Emperor on his campaigns.¹ Akbar was occasionally interested in knowing how many of them were in his attendance. On one such occasion Akbar ordered Miran Sadr Jahan to present before him the attendance list of the Ahl-i-Sa'adat. Unfortunately for Badau'ni, he was not in the camp. His faithful friend Khwaja Nizam Uddin Bakhshi, the author of Tabaqat-i-Akbari, however had his name put in the list of sick absentees.²

As the Mabad-i-Ma'ash was given both, on condition, and without the condition of service; most probably, only those Ahl-i-Sa'adat who received grants on condition of rendering service were required to be in attendance on the Emperor be he at court or in camp. This regulation was for the central religious officers, such as the Qadi-i-Urdū or the Qadi-ul-Quddat,³ Mir 'Adl-i-Urdū,⁴ Mufti-i-'Askar⁵ and the court Imam.⁶

Aims lands and taxation:

The Farmans to prospective Aimadars usually contained a list of the rights and favours conferred upon them. The grantees

1. Badau'ni, II, pp. 296-97.

2. Ibid.

3. Badau'ni, II, pp. 275-76; Sirhindi, f. 40a.

4. 'Amal-i-Salih, II, p. 241.

5. Lahori, I, p. 278; 'Amal-i-Salih, II, p. 421.

6. Badau'ni, II, pp. 296-97.

were given the right to collect the revenue from the grant (موقوفہ) and to enjoy them. The grants were usually free from all royal demands and Diwani obligations.¹ It also included exemption from the fees of revenue officials (ikhrajat).²

In India the land has always been the main source of revenue. To suppose that the Aina lands were completely free of all taxes and cesses³ would mean that the state was deprived of a considerable source of income, as the grant lands comprised of quite a big share of the state-lands. But the contemporary chronicles and documents lead us little in matters of taxation. Two documents are available which throw some light on the subject.

A document, catalogued as no.1,⁴ addressed to Shaikh Karim, Mutavalli, and dated 9th Shawwal 1033 A.H./1652 A.D., the second

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1. Akbar's Farman dated 28th Rabi 1, 975 A.H. Azad Library, AMU. Discussing the rights of the grantees, Dr. Irfan Habib rightly remarks the Madad-i-Ma'ash grants, "did not invest the grantee with any rights not claimed previously by the administration. He could not legitimately demand a larger amount of land revenue than was authorised." The Agrarian System of Mughal India, p. 299.
 2. Selected Document of Shah Jahan's Reign, No. 90. This document gives a long list of the fees of revenue officials, as darogh-gana, murkasa, jaribana, etc. from which the grant was exempted.
 3. Some Farman-i-Sanads and Parwanas, intro. p. iii. "Madad-i-Ma'ash conferred on the grantee the right of collection of revenue from the land granted as well as exemption from the payment of various cesses," remarks K.K. Datta.
 4. Allahabad Document No. 1.

document (catalogued as No.6)¹, dated 25th Rajab 1060 A.H./1650 A.D., is about one Begum Birlas, and is addressed to the present and future custodians of Pargana Naveli, in Awadh. Both these documents belong to the reign of Shah Jahan and are connected with matter of taxation on Aima or Madad-i-Ma'ash lands. In document No.1, the tax is a lump sum, i.e. Rs.25 on the Aima lands of Manda Bhonera and Rs. 5 on Maibatpur, according to the old custom (مطابق حاله); in the second, the tax is 25.8 on every bigha (سیر) according to the custom of the Pargana (مطابق معمول پراگنه).

In the first instance, the document is for the collection of the afore-mentioned sum; in the second the document concerns the remission of the remaining tax (i.e. Rs. 188.6 as.) as Rs.65 had already been exempted.

A comparison of these two documents bear out the following results:

1. Some sort of tax was levied on Aima lands.
2. It was a fixed tax (the tax was actually called Mugarrari² i-Aima) and was determined according to the custom of the area where the grant existed or according to per bigha rate.
3. Sometimes this tax was remitted. In that case the grant became a Ma'afi grant.

1. Allahabad Document No.6.

2. According to J.N.Sarkar, Mugarrari was a perquisite levied on the confirmation of the grant. He includes it in unauthorized taxes (Mughal Administration, p.83). But this does not seem to be the real position. It was one of the regular taxes on the grant and continued as such upto the reign of Aurangzeb. It was Aurangzeb who abolished it along with many other cesses and imposts. (Dayabit-i-Alamgiri, f.126a; Mirat, I, p.287. The exemption of the MUGARRARI was made in 1663/1672).
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In the absence of any further evidence for and against, we may conclude that upto the reign of Aurangzeb some sort of tax on Aima land existed which was known as hugarrari. Our sources do not supply any information about other taxes of this category.

Sometimes the officials levied cesses for their own benefits. A cess on gushk-bandi of the Aima land was realized by the officials but its realization was, later, prohibited by Aurangzeb.¹

The state officials had their own conception of how much was enough for the grantees and tried to take every advantage on any increase in the income of the grantees. Akbar tried to discourage this tendency in the officials.²

Grant Tenure:

Now the question arises what was the duration of the grants? This depended on the nature of the grant. All the Maddad-i-Ma'ash grants which were given conditionally were like Jagirs. They were resumed when the service terminated.³ But, if the son or any other

1. Dawabit-i-'Alamgiri, f. 136a. On the basis of some documents Dr. Irfan Habib has mentioned a cess which was levied by the Sadr and was known as Sadrana. The Agrarian System of the Mughal India, p. 299, n.7.

2. A'in-i-Akbari, I, pp. 166-7.

3. Selected Documents of Shah Jahan's Reign, 84. Discussing the duration of the grant, Mr. Moreland sums up: "The tenure of such grants can be described only as "during pleasure", many of them were intended to last for a life, or for more lives than one, but a change of policy, or even of personnel, might in practice be followed, by annulment or drastic reduction, as the passages quoted by Blochmann show." The Agrarian System of Moslem India, p. 99.

member of the family was confirmed on the post, (which became the practice later), the grant was continued in the family. Sometimes, however, the whole grant was not confirmed on the successor but only a portion was assigned to him.¹

In the case of grants for benevolent purposes, several factors decided its duration. If the grant was made by a jagirdar² (which was quite common), it lasted the term of the Jagirdar's assignment. Obviously such grants were very insecure as it was on the succeeding Jagirdar to confirm them.³ The Mir'at-i-Ahmadi tells us about the resumption of all grants in Sorath (Gujarat) by the revenue officials based on the sanads of the jagirdars and governor. Those grantees remained in enjoyment of their land whose grants were based on royal sanads.⁴

1. S.D.S.R. No. 90.

2. Mir'at-i-Ahmadi, I, p. 319.

3. Tarikh-i-Ahmadi, pp. 249-50.

When Ismail Quli Khan was transferred to Multan, Bhakkar was given to Sheroya Khan (997 A.H.). As he was a drunkard, he left the business in the hands of his slaves; and the stipends and Idarat of the poor were suspended; when the state of affairs reached Akbar's ears, Bhakkar was allotted to Muhammad Sadiq Khan and he reinstated the sanad and Idarat according to the old Sanad of Muhammad Khan. Tarikh-i-Ahmadi, pp. 249-50.

4. Mir'at-i-Ahmadi, I, p. 319. When this order for acquiring royal verification was passed it caused great inconvenience to the grantees. Gadi-ul-Fudat pleaded their case:

بنامک (1100 A.H) قلنی القیات خواجہ عبد اللہ بنوری الشرف اعلیٰ رسانید
اگر مستحقان سرکار سورت بموجب اسناد حکم و جاگیردان زمین داد ملکی دارند
نہ تواریک کہ بحضور رسیدہ سند حاصل نمایند و بعد ازان آگاہ بملت سند
رگامی زمین را ضبط نمایند و بحسب ظاہر آن جملہ زمین است حکم والا شرف
دریافت کہ دیوان سورت بعد تعلیق نزد صدر سورت مستحقا کس سند خود را

(Contd.)

The descendants were entitled to enjoy the grants when they were given in perpetuity. But, after the death of the original holder, the heirs of the grantee, were required to obtain confirmation from the Sadr-us-Sudur.¹

During the Sadarat of Mir Fatch Ullah Shirazi, Akbar issued an order according to which, if any one held a Suyurghal with a partner, and the Ferman contained no reference to the share possessed by each, in the event of partner's death, the Sadr was enjoined to divide the grant without further enquiry. The share of the deceased

(Continued from previous page)

فرستاده و حقوق استحقاق آنها شود. سند بدست

مرات - اول - ۳۱۹

Another order to the same effect is recorded in the Nigar Nama. This is addressed to the Faujdar of Shamsabad. Beside other matters, it states: "All the Amadars who had the royal orders with them, should be confirmed (hahai) in the old manner; all those who had the Sanads of the officers, were to come to the court to take a new sanad according to the rule of the state. Without the new Sanad, no one was to receive anything." Nigar Nama, pp. 74-75.

از مردم اینه دارجی فراین سادات آئین داشته باشند آنها را بدستور
سابق بحال شناسند و جمعی که اسناد حکامی دارند مقرر کنند که هر کدام
بمقتور برنور آید سند مجدد موافق ضابطه سرکاروالا بدستور حاصل نمایند -
یعنی سند جدید هیچکدام چنین ندهند -

1. Allahabad Document Nos. 3,4,8,6,9,11,88,164,176.

lapsed to the state, and remained khaleas till the heirs personally applied to the Emperor.¹ This means that though the land returned to the same family, it needed a royal order to establish the right of the heirs. In this matter the Suyurghal land differed from the Jagirs, which were continuously changed in the life-time of the assignee and after his death they reverted to the government.²

The grants though generally made for the lifetime of the holder, needed periodic confirmation. The Sadr-us-Sudur, had carte blanche, in the early years of Akbar's reign as far as verification and confirmation of the grants was concerned. In 983 A.H./1575 A.D. Akbar ordered that until the confirmation of Mahd-i-Ma'ash, Amrat and Iqararat orders by the Sadr, the Karoris were not to let off the grantees.³ Later, when Akbar lost faith in Shaikh 'Abd-un-Nabi's integrity, he issued an order, that all grants of 500 bighas or more, should not be varified unless allowed by him. Still later the condition of 500 was reduced to 100, and 3/5 of such grants lapsed to the state, including those of the Irani and Turani females.⁴

This periodic confirmation was necessary in order to emphasise the fact that the state owned all the land and that the

1. A'in-i-Akbari, I, pp. 164-67.

2. The Agrarian System of Moslem India, pp. 98-99, The Agrarian System of Mughal India, 260 n.11.

3. Badauni, II, pp. 204-205.

4. A'in-i-Akbari, I, pp. 156-57.

grantees only had the right to enjoy the revenues during their lifetime. That the king could revoke the grant anytime he desired is amply borne out by the enquiries and resumptions under Akbar.¹

Between 40th and 48th year of his reign Akbar reduced all grants in Gujarat. This is amply borne out by the documents in possession of a Parsi family of Gujarat,² and shows that even those who enjoyed the grants in perpetuity could suffer a change of status anytime the Emperor so desired.

Jahangir made no change in the tenure of grants. He confirmed all holdings on his accession,³ and did not make any change in the duration of the Maddad-i-Ma'ash holdings during his reign.

In the early years of Shah Jahan also, no change was introduced in the Sururghal grants, but in the 16th year of his reign, when Shah Jahan was informed that Musawi Khan was not doing his duty well, he dismissed him.⁴ The next Sadr, Saiyid Jalal raised

1. Badaun'i, II, pp. 278-79, 286. An incident of Akbar's reign recorded by Badaun'i also confirm the view about the insecurity of grants. Maulana 'Abdul Qadir, a pupil of Shaikh Hamid Qadiri used to say the nafl prayers in the audience-hall of Fatehpur Sikri, when asked by Akbar to say them at home he said, "My king, this is not your kingdom that you should pass orders." Akbar called him a fool, and cancelled his land grant, where upon 'Abd-ul-Qadir went back to Uchh. Badaun'i, III, pp. 91-92. (Blochmann, I, p. 614).
2. Parasa at the court of Akbar, Index, fascimiles of farmans.
3. Ma'athir-i-Jahangiri, f. 16a.
4. 'Amal-i-Salih, II, pp. 376-77.

موسوی خان صدر موافق مقرر اشرف بہ خدمت مذکورہ میں برخواست

the question of the authenticity of many grants and notified the irregularities of the former Sadr.¹ The charges brought against Musawi Khan were the following:

- a. He had awarded imdad-ul-malash and vasifas to undeserving people, without reporting their condition to the Emperor

(یع آگہ احوال آنها بمرور حساب بارگاہ خلافت رسانید)

- b. Some people had occupied the imdad-ul-malash lands without any valid authority and enjoyed the vasifa through the forged Farmanas.

(بعضی بفرمان نامی لاری داد حاکم و وظائف بمرور داد)

In view of the irregularities an order was issued to the effect that the revenue of one crop (kaal) of all imdad-ul-malash lands of the Empire, whether in the Khalisa or in the Tuxul (Jaciz) of the Amirs and Mansabdar, (except of those persons personally known to the Emperor), be kept aside (جمع ناک یکبارگی درازید).² It was further ordered that grants be handed over to the needy people (بمحتاج احتیاج حواله نمایند) after the correction of the Sanads

1. Lahori, II, pp. 365-66; 'Amal-ul-Salikh, II, pp. 376-77. The Ma'athir-ul-Muniri tells that Shah Jahan was informed that:

..... از ساجده ریح خیری موسوی خان مدرسی وجه داد حاکم بامر
 مردم (که اصلاً استحقاق نداشتند) بمرور داد و پیشتر با سنا رجلی لاری
 بامر بمرور داد - بمرور الامرا - سوم ۲۴۴ = ۱۶۴۰

2. From the account of Sadiq Khan it appears that the Sadr stopped the vasifas and imdad-ul-malash on his own authority. He does not refer to any royal order (Tarikh-i-Shah Jahani, f. 104-5). But that is incorrect Saiyid Jalal did not take any action on his own authority is borne out by Lahori's account.

of the next crop was to be set aside. The people of the capital and the environs were to seek verification from the Sadr-us-Sudur, *If* while in the provinces the Sadr-i-Ins (Provincial Sadr). In consultation with the governor was to verify the certificates after ascertaining the Faramans of the previous and present reigns. He was also to check the ownership of the holdings (*محلک نور و نور*)

(*و نور و نور*). Excepting the soldiers and artisans all grants were to be returned to the original grantees. If the original holders of the grants were dead and the Farman included the sons (*قد فرزندان باشد*) also, the grant was to be confirmed on the deserving successors. If there was no such condition the land was to be escheated. If the possessors were considered deserving, ¹ report was to be made to the court.

What results were achieved by this Farman? The contemporary *npif* chronicles do not mention the instituting of any inquiry in this connection nor do they refer to any action being taken on this. But discussing the results of this Farman, Dr. Ibn Hasan remarks that the irregularities were promptly attended to and the entire holdings of the Suyurghal lands and the Faramans of the three generations were examined, "thus the department was purged for the first time ² since the early inquiries conducted in Akbar's reign."

1. Lahori, II, pp. 365-66.

2. Ibn Hasan, p. 279.

Dr. Ibn Hasan has analysed at great length not only the charges against Musawi Khan but also the results achieved. In this connection he has also discussed the powers of the Sadr, the tenure of the grants and the eligibility for the same, pp. 275-79.

It was Aurangzeb who made a drastic change in the Aima holdings. He made them hereditary and thus took away the element of insecurity from them. The matter of the Madad-i-Ma'ash was first taken up by him in the third year of his reign. In this year Raghu Nath issued a Parwana which summarised to some extent an early order of Shah Jahan. The purport of the Parwana was as follows:¹

1. (a) If some one had 30 bighas of land or less, the whole grant was to be confirmed on his heirs.
(b) If the grant covered more than 30 bighas of land half of it was to be confirmed on the heirs of the grantee, and the other half was to be escheated. If the inheritors were not satisfied with the half, and liked to possess more than that, they were required to present themselves at the court and prove their claim.
2. (a) On 23rd. Rajab 18 regnal year, an order was promulgated according to the memorandum, that whosoever possessed grant, daily allowance, or khajana according to the former orders, and those orders were above doubt, and the same person was alive and had no other means of livelihood, or service, he was not to be molested, and the grant was to be again confirmed.

1. Allahabad Document, 11, No. 284.

- (b) If that person was dead, and his Farman had the clause 'with his offspring', it was to be ascertained if he had descendants (children or grand-children) or not. In case he had his descendants, half of the Madad-i-Ma'ash of the deceased was to be given to them; if he had none, the whole grant was to be resumed.
- (c) From the daily allowance, less than half was to be given to them and the true condition to be reported to the court. Whatever was given, a new order of the Lankhyah was to be issued to the heirs from the date of the receipt and the land and bagifa was to be escheated to the Khalas from the date of the death.

3. The main clause in the Farman dealt with the carelessness of the provincial Sadr. It said that the former provincial Sadr (Sudur-i-Juy-i-Sabiq) gave to the descendants of the deceased original grantees not half but the "full" grant which was against specific regulations in that regard. The Sadr were directed to escheat all that was given by the former Sadr against the rules.

Later-on it was stated:

4. (a) An order according to the memorandum of 20th. Rabi 11 was issued to the effect that whosoever had subsistence according to the previous orders, issued before the accession and that grant was verified by a provincial Sadr, and the Farman was not forged and the 'verification' a*

be above suspicion, the grant was to be confirmed, regardless of the fact whether it was according to rules or against them.

- (b) If a person died after the accession of His Majesty and his Madad-i-Ma'ash was 20 bighas or less, the whole should be confirmed on his heirs.
- (c) If the land be more than 20 bighas and the heirs be deserving, half should be confirmed on them, and the other half be taken back. If the inheritors be unsatisfied with the half, they should prove their right before His Majesty. * Whatever order be issued on that, the Sanad should be corrected and action taken accordingly.

But by a Farman issued in the 34th year of his reign, 1690 A.D., Aurangzeb made the land-grants completely hereditary. Due to its great importance and far reaching consequences the translation of the document is given below

In the preamble of the Farman (dated 1690), it is stated that the Aina lands conferred by valid Farmanas, both to old and new grantees were to be confirmed, generation after generation, progeny after progeny, without any loss and reduction on the heirs of the deceased. Further it was added that, if some heirs had land of

1. Allahabad Document, 11, No. 63.

This Farman belongs to the series 11, accessioned in the Register of U.P. Regional Records Survey Committee, from April 1, 1968. The Farman is catalogued under No. 63. The document catalogued under No. 66, is similar in its implication material to that numbered 63.

their own, inherited from some other person, they were to be considered as deserving and partners in Aina land of the deceased. If all the heirs had land at some other place (beside what was left by the deceased) it should be considered an addition.¹ The rules according to which the disputes in the division of the heritage were to be decided were as follows:²

If a person died leaving behind only grandsons, they were to be given the share of their father, which would have been allotted to him if he had been alive.³

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1. Uptil this Farman, the rule was that if the grantee or his successor got any land, house or ghal already, the document had a clause that it would not be considered his. But by this order, Aurangzeb made the original possession of the grantee an addition which were allowed to remain his property.
 2. Allahabad Document, 11 pp. 53 & 55.
 3. This was obviously against the Sariat; but the Farman justified this division of the heritage on the basis that Maddad-i-Ma'ash was a loan and for that the royal order was enough.

اگر شخصی فوت شد تمام خود یا بطرف خود زمین میده اشت ورنه
این لاین گزاشت این لا این راحمه پدرش که خود در حیات مسعود
من بابت حق من دادم چونکه داد حلقی عاریت است در باب عاریت
حکم حلقی کلیت .

2. In a case where a person left a son and a daughter, and the daughter was married, and inherited land from her husband's side, the entire land of the deceased was given to the son. The daughter was deprived of any share because she had means of maintenance. In case the daughter of the deceased was a widow without means of subsistence, the son of the deceased was to be made responsible for her and other ladies' (if there were any) maintenance. m& ^i«
3. If a person left a daughter behind as heir and he had other (**ميراث**) agentic heirs¹ also; the land should be given to the daughter.
4. If a person died and left a wife, the land of the deceased should be left in the possession of the wife for her lifetime. '«' On her death it would revert to the heirs of the husband. If there were no heirs of the husband, the land would belong to the relatives of the wife.
5. If a person left his mother, grandmother or some female (**ميراث**) Qur'anic² and agentic heirs (**ميراث**) behind, the heritage was to be divided among them according to Shari'ah.

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1. (**ميراث**) Agentic Heirs: That is heirs through the male line or specified female heirs (daughter, son's daughter how low so-ever, full sister, consanguine sister. 'Asbat' is the most ancient and most important class of Sunnite heirs. Outlines of Muhammadan Law, p. 393.
 2. Sahib-i-Farida (**ميراث**) : To whom the shares are allotted and as the fractional shares are specified in the Quran, they are in the highest sense 'obligatory' that is Farida. Outlines of Muhammadan Law, pp. 393-4.

6. If a person left a nephew (برادرزاده یا خواهرزاده), his nearness to the deceased and his need should be taken into consideration and the land should be divided accordingly.
7. If a person died without leaving any heirs¹, his land was to be escheated and entered into the Bait-ul-Mal. After giving the rule of the division of the heritage the Farman contained an instruction to the Sadrs, Qadis and other officers to follow them in cases of conflict between the heirs. Further, the officers and 'Amils of the Jagirdars and Karoris were ordered to consider the land of the grantees free from all royal and Diwani demands; they were enjoined to see that no hardship was caused to them so that they continued to worship God and pray for His Shadow (the Sultan).

CONFIRMATION AND RENEWAL OF THE GRANTS

When a Farman conferring Kadad-i-Ma'ash bore the instruction that the land was given in 'perpetuity', the land became hereditary in the family of the grantee. At the death of the original holder, his descendants took possession of it. Women as well as men heirs got respective shares in the land.² In spite of the hereditary

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1. The terms here used are

صاحب قرنی صیادت وزوی الارحام

which means (i) all cognates, male or female, and (ii) all female agnates, with the four exceptions (included in Agnatic Heirs). Mr. Fysee has translated the Dhaw'l-arham of the Sunnī Law as Uterine Heirs. Outlines of Muhammadan Law, pp. 292-93.

2. Allahabad Document No. 47.

character of the grant, the grantee had to seek for confirmation periodically. Through these periodic confirmations, the holder of the grant or his successors were able to acquire the approval of the successive rulers about the concession gained from the original donar, and got immunity from the molestations of the state officers and iqaridars. When the grant-holders presented themselves¹ for confirmation, two things had to be testified:

1. The original grantees or their heirs were alive and were in possession of the land.
2. They had no other means of subsistence.

When these facts were testified by trust-worthy witnesses, the land was confirmed. Possession of the 'confirmation deeds' of the previous Sadrs, further strengthened the position of the person seeking renewal of the grant.²

When all these three requisite conditions were fulfilled, the grant was renewed in the name of the person seeking confirmation and it was reiterated that 'in the previous manner, on the condition of possession and expenditure, the grant was to be considered free' and the original concessions were again confirmed.

Though in the grant of land it was not necessary that only Sadrs would grant it for, governors, divans, and Princes also gave it on their own authority, in the matter of renewal, the authority

1. Allahabad Documents Nos. 3,4,9,164,164 & 165.
2. Ibid., Nos. 11,66,168,169,170,178.

of the Sadr was great. According to Badau'ni, in 983 A.H./1575 A.D. His Majesty (Akbar) gave order that the Aimas of the whole empire should not be let off by the karories of each Parana, unless they brought the Farman in which their grants, subsistence allowances were described, to the Sadr for inspection and verification.¹ In the succeeding reigns, the Sadr-us-Sudur and the provincial Sadr continued to confirm and renew land grants,² but there were exceptions also. In some cases the Emperor himself issued orders of renewal.³

In the reign of Jahangir no new condition was added to the rules governing the confirmation of grants, but under Shah Jahan an order was issued to the effect that all grants of 30 bighas, and the 'Yomia' and pension, be confirmed^{ed} at the death of the original holder, and a new order of Tankhya be made.⁴ Later the condition of 30 bighas was reduced to twenty by Aurangzeb. But in the 34th year of his reign, (1690 A.D.), Aurangzeb established a hereditary aristocracy of the Suyurghal holders by the promulgation of a Farman⁵ as discussed above. It was stated in this Farman that, 'Aima lands were to be confirmed, generation by generation and progeny by progeny' and without any change, on the heirs of the deceased. He went so far

1. Badau'ni, II, p. 20.

2. Allahabad Documents No. 56, 154, 155, 156, 171, 175, 178.

3. Ibid., No. 6, 9, 11, 155.

4. Allahabad II, No. 284.

5. Allahabad II, No. 53 & 55.

as to fix the share of the inheritors and the terms of succession. Then share fixed by the state did not always tally with that apportioned by the Sharia¹. When Madad-i-Ma'ash became hereditary, no need for renewal or confirmation was left. This effected the state interests adversely. The Madad-i-Ma'ash lands became confirmed in the families of original grantees, and their benevolent character was destroyed. Even people who did not deserve any grant became owners of the Suyurghal lands through the application ie& of this principle of heredity. This also affected the authority of the Sadr adversely.

Besides grant to individuals, the Sadr was also responsible for the endowment lands (Auqaf). The State endowed the religious shrines, Khanqahs, Madrasas and tombs, and the income from the Auqaf was utilised for their maintenance and the subsistence of their staff.

Bayazid Bayat converted a dilapidated temple into a Madrasa at Benaras. Akbar gave two villages for the allowances (hasifa) of its teachers.¹ Madrasa-i-Hidayat Baksh, constructed by Muhammad Akram, the Sadr of Ahmadabad was endowed by Aurangzeb.² For the maintenance of the tomb of Mumtaz Mahal Shah Jahan had made a yaqf of 30 Maudas,³ some market shops and inns, yielding an annual income of Rs. 8 lacs. For the monthly expenses of the tomb of Sati-un-Nusa

1. Bayazid Bayat, p. 311.

2. Mir'at-i-Ahmadi, I, p. 316.

3. Lahori, II, p. 331.

(the Sadr-i-Ansar) a village yielding a revenue of Rs. 3000 was set aside.

Several villages were allotted for the up-keep and maintenance of the Shrine of Khwaja Mu'in Uddin Chisti, ^{the} Waghai Sarkar Ains throws some light on the manner and items on which the income ¹ was spent.

Beside these many other Ansaf should have existed in the Mughal period, but ~~it~~ are unrecorded in the chronicles and our knowledge about them is very limited.

Monetary Grants, and other Charities:

The Mughal rulers did not confine their charities to the grant of land only. Money was also generously given to the deserving people. Abul Fadl has discussed the monetary grants in a separate A'in (A'in 17) under the heading, 'on Alms'.² In the A'in-i-Sayyidat, he refers to Waghai.³ The Waghai consisted of daily, monthly and yearly allowances.⁴ Besides, aid was also extended to those persons who presented themselves at court. The method of bestowing monetary help differed from that of granting land. The money spent in charity did not always pass through the hands of the Sadr. According to Abul Fadl, "There is a treasure always

1. Waghai Sarkar Ains, pp. 30-2.

2. A'in-i-Akbari, I, pp. 155-6.

3. Ibid., p. 157.

4. Ibid., I, p. 156.

waiting at court, and every beggar whom His Majesty sees is sure to find relief.¹ The people near the court made representations of the circumstances of the needy before the Emperor, and they received allowances accordingly.²

Some times the money for charitable purposes was put aside. This money was obtained from different sources. During the Sultana te period, according to Dr. I.H. Qureshi, "In addition to the income derived from Dhakat which was earmarked for charitable purposes, large sums were given away from other sources",³ but he does not give the list of the other sources. During the early Mughal period there is no reference to the collection of Dhakat, but 'other sources' were plentiful. Abul Fadi tells us in detail that the money used for weighing the Emperor and the princes was used in charity. He writes:

"From reasons of auspiciousness and as an opportunity of bestowing presents upon the poor, His Majesty is weighed twice a year. Various articles are put into the scales."⁴ The two occasions were the solar and lunar birthdays of Akbar. On the solar anniversary he was weighed twelve times against such articles as gold,

1. A'in-i-Akbari, pp. 165-6.

2. Ibid.

3. Qureshi, p. 181.

4. A'in-i-Akbari, I, pp. 165-66; Badaun'i, II, pp. 81-2.

quicksilver, silk, perfumes, rice, milk, copper, rub-i-tutiyā, drugs, shag, iron, seven kinds of grain and salt; the other articles were determined by their costliness. According to the number of years of His Majesty's age, sheep, goats, and fowls were given to people who breed these animals.¹

The lunar birthday of Akbar fell on 6th Rajab and, on this occasion, he was weighed against eight articles, viz, silver, tin, cloth, lead, fruit, mustard oil, and vegetables. On the birthday celebrations, donations and grants of pardon were bestowed upon people of all rank.² Not only the Emperor, but also the imperial princes sons and grandsons of His Majesty, Akbar, were weighed once a year, on every solar birthday.³ The grown ups were generally weighed against seven or eight things; but not more than twelve.⁴

The articles used in weighing were handed over for disposal to a separate treasure and an accountant.

The weighing ceremony started by Akbar did not end with him. His successors continued it. Jahangir spent the money used in weighing to help the needy men and women.⁵ He not only distributed the money used in weighing him, but also continued to distribute money which was equal in value to the articles used in weighing his

1. A'in-i-Akbari, I, pp. 155-56; Badauni, II, pp. 81-2.

2. Ibid.

3. Mu'athir-i-Rahimi, I, pp. 803, 885; Tuzk-i-Jahangiri, pp. 37, 63, 47, 112, 39; Lahori, I, pp. 242-243.

4. A'in-i-Akbari, I, pp. 155-6.

5. Tuzk-i-Jahangiri, pp. 70, 73, 39, 37, 63.

father, on solar and lunar birthday occasions. This money was given to the trusted servants to be distributed in twelve towns.¹ He made a departure from Akbar's custom in this, that, in the second year of his reign, he ordered prince Khurram to be weighed twice in one year; as that year was unpropitious for him.² m

Once, when a solar eclipse occurred, Jahangir had himself weighed against gold and silver amounting to one thousand and eight hundred tola gold and four thousand and nine hundred rupees. This money along with other things, was distributed among the 'penniless deserving' and weak destitutes of different cities.³ But this practice of weighing was discontinued by Aurangzeb in October, 1658 A.D.⁴ Charity was also dispensed on days of eclipses of sun and moon.⁵

Beside this distribution of money at court, the royal visits to the tombs of saints like Khwaja Muin Uddin and Baba Farid Ganj-i-Shakar, were also occasion for distribution of charity.⁶ The news of victory were celebrated by distributing money among the deserving and the destitutes.⁷ Akbar distributed money on Friday nights to the people who congregated in 'Ibadat Khana'. The people who did not get any thing in the night received some help in the morning.⁸

1. Tuzuk-i-Ishansiri, p. 61.

2. Ibid., p. 55.

3. Ibid., p. 88.

4. Ma'athir-i-Alamsiri, p. 77.

5. Ibid., p. 75.

6. Tabaqat-i-Akbari, II, p. 303; Ishat Nama, p. 304.

7. Ma'athir-i-Rahimi, I, pp. 807-808.

8. Badauni, II, pp. 289 Ma'athir-i-Rahimi, I, p. 835.

Once Akbar ordered the poor and deserving people to assemble in the Changan field and he deputed Sultan Khwaja, the Sadr and Quli Khan to distribute money among them. This led to a large gathering and many women, children and old men were crushed. Akbar was unhappy over the incident.¹ In this connection Badau'ni tells us that from the girdles of some women (who had come for charity and whose husbands had died in Bengal wars) pursefuls of Ashrafia fell. This naturally caused great suspicion in the minds of the authorities regarding the genuineness of claims made by these women. An order was issued forbidding the crowding of persons on such occasions and asking those concerned to conduct to present few people at a time. According to Zubdat-ul-Tawarikh, the In'am and yasafa which was given to the learned and deserving, and was over and above Khairat, had reached one lac under Akbar and was always on increase.³

The accession ceremony of the Emperor,⁴ the two 'Eids⁵ and the recovery of the Emperor, princes and princess from illness were celebrated with gifts and benefices to the poor of the realm.⁶ When Aurangzeb fell ill an elephant and Rs. 4,000 were given away in charity through the chief Qadi⁷. On the first 'Eid after his

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1. Ma'athir-i-Bahini, I, p. 866.
 2. Badau'ni, II, p. 259.
 3. Zubdat-ul-Tawarikh, ff. 18b.
 4. Lahori, I, p. 255.
 5. Ibid., pp. 536, 536, 467.
 6. Lahori, II, pp. 354, 394, 396, 400, 526.
 7. Ma'athir-i-Alamsiri, p. 529.

accession, Jahangir entrusted some thousand dams to Dost Muhammad and Mir Jamal-uddin Husain Anju, and to Miran Badr Jahan and Mir Rida Sabzwari, each, with one lac of dam to distribute in charity in the city. The ~~Darveshas~~ at the shrine of Shaikh Muhammad Jawed were given fifty thousand rupees; and, an order was issued to the effect that each day some Mansabdar was to distribute 50,000 Rupees.¹

Shah Jahan dispensed charity lavishly in the sacred months² of Rajab, Sha'ban, Ramadan, Muharram & Rabi I. He ordered ten thousand rupees to be distributed on the 27th of Rajab,³ ten thousand on the 16th of Sha'ban,⁴ thirty thousand in the sacred month of Ramadan,⁵ ten thousand in the first ten days of Muharram,⁶ twelve thousand on the twelveth of Rabi.⁷ Occasionally when the poor gathered in large numbers, the customary money was increased. Once when people came in unusual numbers on the 12th of Rabi I, Shah Jahan increased the charity money by eight thousand.⁸ Shah Jahan had ordered^{the} distribution of food worth Rs. 200 every day to the indigent people.⁹

1. Tuzk-i-Jahangiri, p. 21.
2. Lahori, I, p. 259.
3. Ibid., I, pp. 229, 297, 353, 466.
4. Ibid., I, pp. 123, 269, 299, 353, 418, 466.
5. Ibid., I, pp. 200, 302, 423, 476.
6. Ibid., I, pp. 230-231, 281, 318, 440, 540.
7. Ibid., I, pp. 268, 316, 394.
8. Ibid., I, p. 540.
9. 'Amal-i-Salih, II, p. 516.

قبل ازین حکم صلوات صادر شده بود که مبلغ دویست روپیه را آنی هر روز بفقرا
تسليم مي نمودند بامداد - قبل سالار - دوم من 515

Shah Jahan ordered the officers at Burhanpur to observe Monday as a sacred day like other sacred days, and to distribute five thousand rupees on this day. Twenty thousand rupees a month were distributed on Mondays.¹ Besides, Shah Jahan distributed money on the death anniversary of Akbar² and Mumtaz Mahal. Once one lac of rupees were put away in charity; fifty thousand of which were spent on the day of the anniversary, the other half was distributed d on the next day, among the pious and needy women. An order was promulgated that in the year the Emperor was at the capital, Sixty y thousand and when the Emperor was at any other place, twelve thousand rupees were to be spent in charity in order to bless the soul al of the deceased Empress.³ This money was generally given away by the Sadr.⁴ Sometimes the Emperor himself distributed it or deputed one of the trusted nobles to give it away.⁵

Aurangzeb not only continued the monthly charities of Shah Jahan, but also ordered that as the charities of Shah Jahan were confined only to five months, and in the other seven months charity was not given, so ten thousand rupees were to be spent in each of the other seven months. Thus, where as the charity of Shah Jahan amounted to seventy nine thousand, the money spent by Aurangzeb amounted to 1 lac fortynine thousand rupees.⁶ Aurangzeb a more

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1. Lahori, I, p. 361.
 2. Ibid., I, p. 229.
 3. Ibid., I, p. 430.
 4. Ibid., I, p. 200, 261; Mirat, I, p. 336
 5. Ibid., I, p. 430.
 6. Ma'athir-i-'Alamgiri, pp. 46-47.

religious minded person than his predecessors, not only continued the Madad-i-Ma'ash, In'am, Rozina, and Mahana to the pious Saiyid and the Shaikhs, but also gave away one crore twenty lac dams, fifty thousand bigha land and three villages and one lac forty thousand rupees from his own jagir.¹

About Aurangzeb's benevolence we are told "He used to spend so much money in religious alms (Khairat), beneficent public works and pensions (Idra'rat) that the expenditure of the former rulers had not reached a hundredth part of it."² Saliana, and Mahana allowances were given, like the land grants, on service condition as well as with out it.³ Religious officials⁴ students,⁵ learned men⁶ and retired state officials⁷ were granted these allowances. The religious officer who received the Rozina, Mahana, and Saliana were the following: The caller to prayer (Mu'adhin), the Imam, the Khatib, the Qadi the Mufti the Mir'Adl, the provincial Sadr,⁸ etc. These officers had their Rozina etc. in lieu of salary and this was indicated on their appointment order⁹ also. They received it o the seal of the Sadr.¹⁰

1. Mirat-i-Ahmadi, I, p. 29.

2. Alamgir Nama, p. 1082; Ma'athir-i-Alamgiri, 628.

3. Selected Document of Shah Jahan's Reign, No. 86 & 87.

4. S.D.S.R. No. 86.

5. Ibid., No. 78.

6. A'in-i-Akbari, I, p. 156.

7. Lahori, I, p. 427.

8. S.D.S.R. 86, 90; Wagai Sarkar Ajmer, pp. 280, 281.

9. S.D.S.R., Nos. 86, 90.

10. Ibid., No. 61.

The Wazir-Nawis informed the Sadr of deserving people in his area. The Sadr presented the petition to the Emperor. who issued the Farman¹. The document order had a Tughra, and was sealed by an Ausak seal². The Sanaad of grant was sealed by the Sadr-us-Sudur³.

The Kasim was paid daily,⁴ generally from the royal treasury where the petitioner lived or/where the appointment of the officer was made.⁵ As it concerned the Diwan, he was also informed of the grant. The monetary grants for benevolent purposes were given both to men and women.⁶ Some time the grant was made in partnership and was divided after the death of one of the partners.⁷

In times of draught and scarcity the state opened food houses and gave monetary help also. Akbar ordered the construction of two feeding houses outside the capital; one for the Muslim called Khairpura, and other for the Hindus called Bharampura. In the words of Badau'ni, "Some of Abul Fadl's people were put in charge of them. They spent his Majesty's money in feeding the poor. As an immense number of Jogis also flocked to this establishment, a third place was built, which got the name of the Jogipura."⁸

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1. S.D.S.R. No. 86.
 2. Ibid. No. 61.
 3. A'in-i-Akbari, I, p. 167.
 4. S.D.S.R., No. 76.
 5. Ibid., No. 90.
 6. Nishan No. 4.11.12.13 (MSS Section Patna University Library)
Allahabad Documents No. 61, S.D.S.R., No. 87.
 7. S.D.S.R., No. 87.
 8. Badau'ni, II, p. 324.

In 1581 A.D. Akbar ordered that every day a certain number of hungry people be fed out of the food prepared for him.¹ Jahangir, in the first year of his reign ordered the construction of some Langar Khana.² Shah Jahan³ and Aurangzeb also continued the practice of opening new Langar Khana. Aurangzeb ordered that besides the existing food houses ten more in the capital and twelve in the environs should be opened for the poor. The nobles were ordered to do something towards relieving the misery during the scarcity.⁴ This practice continued till the scarcity lasted.

1. Tabakat, II, pp. 619

2. Izhar-i-Jahangiri, p. 36.

3. Lahori, I, p. 361.

4. Ma'athir-i-'Alamgiri, pp. 34, 529.

The present text says that ten more houses in the capital and twelve in the environs should be opened every year. But the translation does not have the phrase 'every year.'

CHAPTER XII

THE DINA-LOADA, ORGANIZATION, SIGNIFICANCE AND EVOLUTION

Administration of justice has been considered one of the prime duties of every government. Early Indian works on political ethics often justify the existence of king as the person who puts an end to chaos and strife and establishes peace, law and order.¹ Without justice the state cannot last long. "Those who disgrace the seat of justice by inflicting injustice", says Jas. Santiniketan, "sink into hell along with their king."² Islam also lays great emphasis on justice. "O you who believe!" exhorts the Qur'an, "be maintainers of justice, bearers of witness for Allah's sake, though it may be against your own-selves or (your) parents or near relatives."³ Again it says, "when you judge among men judge with justice"⁴ because "Allah loves those who do justice."⁵ There are innumerable verses in the Qur'an and the traditions of the Prophet (Ahadith) for administering even handed justice. The Muslim jurists and political thinkers of the medieval period also looked upon justice as the signum magnum of all stable political order. "Dominion can subsist inspite of misbelief," says the

1. Santiniketan, ch. 67 as cited by Altkar in State and Government in Ancient India, p. 25, 30.

2. Santiniketan, ch. 75 as cited by Beni Prasad in Theory of Government in Ancient India, p. 44.

3. Qur'an, IV, 135 (Mohammad 'Ali).

4. Qur'an, IV, 58.

5. Qur'an, IV, 13.

Siyasat Nama, "but it cannot endure with the existence of injustice." Thus justice, not faith, was considered the raison d'être¹ of all governments in the medieval period. i.

The Mughals, like the Sultans of Delhi, believed that the king was the shadow of God on earth. Since God, according to the Muslim jurists, is the chief dispenser of justice, this function of His was performed by the king as His vicegerent on earth. God blesses those people with the responsibility of government who are just and good. The Qur'an says, "As for the land My righteous people shall inherit it. This is a message to a people who serve (Us)."² Further, the Qur'an says, "Or who answers the distressed one when he calls upon him and removes the evil, and He will make you the successors on land."³ So the duty of dispensing justice was in fact the prime responsibility of all those who exercised authority.

The Mughal rulers were conscious of this great responsibility and they gave private and public audiences for administrative and judicial purposes. They used to appear in a window called iharaka every morning after sunrise. At this time not only subjects got a glimpse of their sovereign but also had an opportunity to voice their complaints. This practice originated with

1. Siyasat Nama, p. 8.

2. Qur'an, xxi, 106.

3. Qur'an, xxxv, 39.

Akbar.¹ The purpose of this innovation was to give people the freedom of access and expression of grievances without undue intervention from mace-bearers and yassavals² etc. The Qadi with other officers briefed the Emperor about the cases.

The second place where the Emperor listened to the cases was the State Audience Hall (Diwan-i-'Am). The Qadi and other judicial officers were in attendance.³ The Emperor decided the cases in consultation with the judicial officers. The religious matters were decided according to the Shari'at and the matters of 'urf according to state rules and regulations.⁴

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1. A'in-i-Akbari, I, pp. 118-19. Lahori, I, 143. Alamgir Nama p. 1102.

اورنگ اقبال پشاوروی بیشتر و بارگزار پیدائی نشید و گروها گروہ مردم
فروغ دیدہ و دل پرکوند نخست چون نیایش سحری بجا آورد منتظران صلق
کہ و آرزومندان تجرد جا را از بسویں شد روان والا کلباب دیدار گرداند
و مردم بی دورباش جلو شان برون دولت رسید و این را بنیان روزگار درشن
خوانند کہ کارها نیز انتظام باید بکشد و پشانی و شکستہ روی
برسند داد دہلی جلوہ فرمایند -

آئین - اول ص 118-119

2. Tuzuk-i-Jahangiri, p. 232; Lahori, I, pp. 144-45.
3. Lahori, I, pp. 139, 146.
4. 'Alamgir Nama, pp. 1100-1102.

(مراتب عزت و موافق نور سلطنت و جہانگیری و عدالت خسروانی تبلیغ و
تشخیص باید) -

The Mughal rulers were very particular about their public audiences, as they imparted a personal touch to the administration and created a bond between the ruler and the ruled. Even in illness the public appearance was seldom suspended as it caused rumours about the Emperor's health.¹

Beside administering justice in their public audiences, the Emperors attended to select cases in the private assembly of Ghusal Khana. Shah Jahan used to make personal inquiries in cases reported in the Ghusal Khana.² Under Aurangzeb, the Darogha-i-Adalat presented the plaintiffs and reported their suits to the Emperor and he redressed their grievances and decided the cases.³

The administration of justice at the above mentioned places was a matter of routine like other business of state. The author

1. Tuzuk-i-Jahangiri, p. 117; Khafi Khan, II, p. 213.

در زمان پادشاهان سلف جمرو که درشن مقرر بود که پادشاهان بلوچ
طریقہ بدلی برحق انتشار خبر سلامتی روز یک دفعہ وگاہ دودلہ در
وقت صبح در آن جمرو کہ مشرف بر درہای جٹا (اکبر آباد و شامجہان آباد
ساختہ بودند) سراز جمرو کہ ہری آباد - خانی خان - دوم ص ۲۱۳

2. Lahori, I, pp. 160, 166.

3. 'Alamgir Nama, pp. 1102-1103.

درین مجلس ہمہیون نیز در وقت عدالت مستظہان و داد خواہان را حاضر
ساختہ عرض احوال و مطالب آنہا می نمود و شہنشاہ حق آگاہ در اعتدال
مہمات سلطنت بحال مظہمان نیز پرداختہ داد می خلائی می فرمایند -

of Siyasat Nama says that the king must sit for two days in a week for Mazālim (criminal) cases.¹ The Mughal rulers had fixed a day specially for decided criminal cases. Akbar had fixed Thursday,² Jahangir Tuesday,³ Shah Jahan⁴ and Aurangzeb⁵ both had fixed Wednesdays for judicial matters. Mohammad Kazim tells us: "From among the days of the week, Wednesday has been fixed for judicial affairs. On this day he does not appear in the Divan-i-Khas and the Divan-i-'Am. All the custodians of justice (Mutasaddian-i-'Adalat), Qadi-i-'Asakar, Muftis, scholars, 'Ulama, and men of

1. Siyasat Nama, p. 10.

چاره نیست پادشاه را از آنکه در حلقه دوزخ بگردد و داد از پدید آمدن بستاند
و انصاف بداند و سخن رهنیت بگوید و لا واسطه به سیاست نامه من ۱۰

2. Akbar Nama, III, p. 717.

درین ولا هر روز حلقه بکلی نامزد شد پنجشنبه پادشاه خواهد -

3. De Laet, p. 93.

مرگامگی که لایق سیاست میشود در همین روز (سه شنبه) گفته
می شد - انتخاب جهانگیر شاهی و ۱۸۸ الف

4. Lahori I, p. 160. Chandra Bhan does not name the day but he also says that Shah Jahan had fixed a day for justice. Chandra Bhan, pp. 14-16.

5. 'Alamgir Nama, pp. 1102-1103.

affairs (Arbab-i-'Alain) and Shuhnas of the city attend the Ghusai Khana meeting. All the time is devoted to judicial purposes. All those persons whose presence is not necessary are not admitted in that assembly. The Emperor spends (do pas) six hours of the day in this work.¹ it^4

DISPENSATION OF JUSTICE BY THE EMPEROR

Timur had ordered the Sadrs and the Qadis to lay the religious affairs before him. He appointed Amir 'Adl so that he might transmit to him all cases of civil disputes among the army and the subjects.² The religious cases were transmitted by the Qadi-i-Islam while the matters of 'Urf were referred to by the Qadi-i-Ahdath.³ In matters of religion, Timur consulted the 'Ulama

1. 'Alamsir Nama, pp. 1102-1103. About Shah Jahan, Lahori write

خدا یوزمان در بازار بس جور خستگان دل شکسته با آنکه مردم دانا بی حساسه
خدا ترس را بهشان والا شان فنا و دالت و داریوگی آن نصیب نروده اند - روز
چهارشنبه بی خلف از جمعه که دروشن برخاسته دولت خانه خاص را رشک بهشت
بهین میگردد اند - و در آن روز عدالت انروز جز متصدیان دالت و لویاب فتوی و
چندی از فضلای دیندار دیانت کلمه و برخی از امرا که همیشه ملقوب بهارگاه حضور
اند بارش میایند - متکلمان دالت یک یک از دانه خواهان را بنظر اند و در آورده
دهی بر سر شرف می رسانند - و خاقان مظلوم نواز ظالم که از بشکسته روی و نیم خوی
کیلیت واقعه استفسار نموده بروقی فتوی علما حکم میبایند - و اگر سیاسی باشد کرد
برخواست شایع بنفهم میرسد -
پادشاه نامه - اول ص ۱۵۰

2. Institutes of Timur, p. 178.

3. Ibid., p. 304.

and the Mashaikh, who had constant access to him.¹ These Timurid traditions were respected by the Indian Mughals to a very large extent.

Akbar consulted the Qadis in cases requiring legal verdict.² About his method of dispensing justice, Abul Fadl remarks: "He opens the gate of justice and holds an open court. In the investigation of the cases of the oppressed he places no reliance on the testimony or on oath, which are the resources of the crafty, but draws his conclusion from the contradictions in the narratives, the physiognomy, and from sublime researches and noble conjectures. Truth takes its place in the centre. In this work he spends not less than 1½ pahars (i.e. 4½ hours)."³

About Jahangir's administration we are told:⁴ "Once a week (on Tuesday) He takes his seat on the tribunal, and hears parti-

1. Institutes of Timur, p. 204.

2. Badauni, II, p. 101.

3. Akbar Nama, III, p. 257.

4. Jahangir has been extolled much for his sense of justice. To facilitate aggrieved person's access to him, he had hung a chain in the Agra fort. "If the officers of the courts of justice", writes Jahangir, should fail in the investigation of the complaints of the oppressed and in granting them redress, the injured person might come to this chain and shake it, and so give notice of their wrongs", Tuzuk, p. 8.

De Laet writes: "This (the third gate of the fort) leads to a most conspicuous courtyard, surrounded on every side by open halls.....On the open side of this courtyard hang small golden bells which are set in motion by those who complain that the King's subordinates have failed to do them justice; they thus gain the audience of the king himself and bring the complaints before him.....The king daily comes forward to this place between 3 and 4 p.m. Many thousand people enter the courtyard and take up their position according to their dignity and precedence. He stays here till evening, hearing cases and listening to the dispatches from various provinces, which the Wazir reads to him." De Laet, 97-99.

cularly all causes that are brought before him, both civil and criminal, and pronounces a judgement on each, which is final. Capital punishment is generally inflicted before his own eyes, and with great cruelty, whether in the capital city or wherever he is holding the court. Judgements are given both by the Emperor and the governors chiefly in accordance with allegation and proof.¹

Chandra Bhan thus informs us about Shah Jahan's judicial administration: "Though the religious officers and the judicial superintendents every day gathered at the court and acted according to the Shari'at and equity; but due to kindness, he (Shah Jahan) has fixed a day in the week for administering justice personally. He invites the plaintiffs to his presence and hears the complaints of each one with equal attention and decides the cases according to Shari'at and justice. Though punishment and chastisement of the criminals and wrong-doers, is the rule of Shari'at and Justice, and they get it due to their deeds; but as the taste of pardon is liked by the kind sovereign, he forgives the guilty in a manner that is not against Shari'at and justice, so the rules of Shari'at are fulfilled and his natural generosity and kindness is also satisfied. Sometimes he rides out, apparently for hunting but infact to get information about the people, who can approach him without hinderance and gain their purpose."²

1. De Laet, p. 93.

2. Chandra Bhan, pp. 14-15.

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The foreign travellers and contemporary chroniclers have given lucid accounts of Aurangzeb's personal dispensation of justice. Musta'id Khan writes: "Every day with open forehead and tender heart he used to stand up two or three times and grant justice to plaintiffs who used to find access in a crowd without any obstruction to his court of justice, and owing to the excessive kindness of His Majesty, used to state their complaints without the least fear and despair; and if in pleading their suits, they used any bombast (hyperbole in praise or censure) or exaggeration (or straining any point) of language or wrong pronunciation (or wrong expression), he did not at all get angry, and lowering of any body's dignity was never seen on His Majesty's part. Many times his courtiers urged him to prevent (the plaintiff from displaying too much boldness of speech), but he used to reply 'From hearing such words and occurrence of such cases, the (sovereign's) character acquires an angelic patience.'²"

Generally the Mughal rulers dispensed justice in every assembly; and they held assemblies quite often. Creri remarks: "Aurangzeb, notwithstanding his continual application to these private audiences with his Ministers, yet never fail'd of the Publik, except on Friday, for the good of the subjects; and this sometimes he did in three several places, one called Diwanas, the other Gosai Xana, and the 3rd Adalat."³

1. Bernier, p. 263.

2. Ma'athir-i-Alamgiri, pp. 527-28. 'Alamgir Nama, pp. 1080-1081.

3. Creri, III, p. 240.

This routine of personal attention to the grievances was maintained by the monarchs even on tours. Akbar heard the murder case of Changer Khan while on his Ahmadabad tour. He ordered inquiry and afterwards gave the judgement.¹ Jahangir records his personal supervision of justice at Ahmadabad.² Bernier thus testifies to the regularity of the Mughal rulers court: "The kings of Hindustan seldom fail even when in the field, to hold his assembly twice during the twenty-four hours, the same as when in the capital. The custom is regarded as a matter of law and duty, and the observance of it rarely neglected."³

Department of Qada:

The Mughal Judiciary was called the Mahakma-i-'Adalat,⁴ Divan-i-Shari'at and Mahakma-i-Islam.⁵ At the head of the Judicial system stood the Emperor, deciding all criminal and all really important civil cases.⁶ His court was both a court of first instance and of appeal. The provincial governors had to send up

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1. Badau'ni, II, p.147; Akbar Nama, III, p.32; Tabqat-i-Akbari II, p.389; Ma'athir-i-Rahimi, I, p. 787; Ma'athir-Rahimi, II pp. 202-203, 216.
 2. Tuzk-i-Jahangiri, ... p. 232.
 3. Bernier, p. 360.
 4. Mir'at-i-Ahmadi, I, p. 276; Haddai' Sarkar Ameer, p. 29.
 5. Munsha'at-i-Namkin, ff. 96b-97a.
 6. Monserrate, p. 209.

all capital cases for final orders.¹ The Emperor decided the cases in his regular assemblies or took them up in his weekly court specially held for administering justice. The religious cases were decided in consultation with the Qadi-i-'Askar, Muftis and other scholars.²

The Hindu and the Muhammadan Law being so definite, there was little scope for civil cases reaching the Emperor; but inspite of that quite a number of cases did reach the court directly or in forms of appeals through the Judiciary. The Dur-ul-'Ullum has preserved a number of such cases and the measures taken about them by the Emperor.³ 9f

Beside the Emperor, the Sadr, as incharge of all religious affairs was also the supervisor of Judiciary. But as the head of the Sadarat Department, the Sadr could spare little time for judicial matters. During the whole period under discussion the only Sadr who employed his judicial authority was Shaikh 'Abd-un-Nabi, and his case was rather an exception which did not prove the rule. Shaikh 'Abd-un-Nabi's interference was confined to affairs religious; i.e. of heresy, blasphemy and innovation.⁴

1. Lahori, I, p. 139; 'Alamgir Nama, p. 1102; Amal-i-Salih, I, pp. 251-52.

2. Lahori, I, pp. 145-46; 'Alamgir Nama, I, pp. 1102-1103.

3. Dur-ul-'Ullum, ff. 43a-57a.

4. Supra, p. 18.

In Islamic polity the greatest agency of justice is the Qadi. The Mughals appointed this officer to shoulder the responsibility of the administration of justice.¹ The entanglement of Sadr in religious cases has confused some scholars about the highest judicial officer being the Sadr or the Qadi-ul-Quddat.² The Qadi-ul-Quddat was in fact the head of the judiciary. During the whole period under discussion never a conflict arose between the Sadr and the Qadi-ul-Quddat at the centre, not because the same person occupied both the offices³ but because their spheres of activity were so well defined that there was no question of encroachment. Except for a very brief interlude under Akbar, the only link between the judiciary and the Sadr-us-Sudur was confined to his appointment of the judicial officers on his seal.⁴

Another supposition which has confused the question of the headship of the judiciary is that "the chief judicial officer of the Supreme Court of the realm (next to the king) was the chief Sadr," and that he "combined in himself the office of the chief Qadi also."⁵ In fact, except for a very brief period (less than a year) under Aurangzeb, when Khwaja 'Abdullah, the chief Qadi was

1. A'in-i-Akbari, I, p. 226.

2. Saran, p. 361.

3. Ibid., p. 197.

4. Mir'at, supplt. p. 174; A'in-i-Akbari, I, p. 166.

5. Saran, pp. 244-45; Ibn Hasan also assumed that the chief Qadi was the same person as Sadr, p. 316.

also appointed the Sadr-us-Sudur,¹ these two posts were never combined at the centre. A list of the names of Akbar's Qadis and Sadr-us-Sudur, is given to eliminate all doubts about the separate existence of these two posts:

S. No.	<u>Sadr-us-Sudur</u>	Term of Office upto	<u>Qadi-ul-Quddat</u>	Term upto
1.	Sh. Qadai Kanboh	1660	Qadi Tawais	1667 A.D.
2.	Khvajgi Muhammad Salih Harvi	1663	Qadi Yaqub Manakpuri	1677 A.D.
3.	Sh. Abd-un-Nabi	1679	Qadi Jalaluddin Multani.	1682 A.D.
4.	Sultan Khwaja	1691	Qadi Abd-us-Sami'	
5.	Mir Fathullah Shirazi.	1690		
6.	Miran Sadr Jahan	1610-11		

The chief Qadi of the realm was known as the Qadi-ul-Quddat² or Qadi-ul-Quddat.³ Some scholars have put forward the theory that "the military area in the capital had its own Qadi (Qadi-i-'Askar) who moved from place to place with the troops."⁴ Dr. Saran also

1. Ma'athir-i-Alamgiri, p. 392.

2. Badai'ni, III, p. 79, Mir'at-i-Ahmadi, I, p. 296.

3. Tabakat-i-Akbari, III, p. 390.

4. M.B. Ahmad, p. 147.

allots a separate Qadi to the army which according to him has been "also called Mir¹ 'Adl by some writers." The army had no special Qadi (Qadi-i-'Askar) under the Mughals; the chief Qadi of the realm was styled also by this name and accompanied the Emperor on his tours and campaigns.

(Dr. Saran, in support of his view about the Qadi-i-'Askar says "in the time of Akbar we read of three important personages who held that post in succession. Qadi Tawais upto 1667 A.D.; Qadi Yaqub (1667-77); and Qadi Jalal (1677)"². The contemporary chronicles supply the following information on this point.

Discussing the rebellion of Khan-i-Zaman, Badau'ni calls Qadi Tawais³, the Qadi-i-Urdū⁴, but Nizam Uddin says that Qadi Tawais was for a long time the Adi-ul-Qudat of the court (مفتی القضاة درگاه خانی پناه پور)⁵. Qadi Yaqub, his successor,

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1. Saran, p. 360. Ibn Hasan has also assumed the existence of a separate Qadi-i-'Askar, p. 316. The books on Islamic jurisprudence give a ruler the right to appoint an special Qadi for the army; but the Mughals did not do so. The Safavids appointed this officer. Tadhkirat-ul-Muluk, f. 6a (62).
 2. Saran, p. 360.
 3. Badau'ni says that the Qadi was so called because he was a native of Tawais, a place in Khurasan, (Muntakhab, III, p. 306). Nizam Uddin calls him Qadi Tawāiish, (Tabaqat, III, p. 390). It is strange that neither of the two writers give the true name of the Qadi.
 4. Badau'ni, II, p. 101.
 5. Tabaqat-i-Akbari, III, p. 390.

was Qadi-ul-Quddat for some years (¹جند سال تثنى القضاة بود), remarks Badau'ni. According to Nizam Uddin, Qadi Yaqub was for several years Adi-ul-Quddat. (²بدتها تثنى القضاة بود). After his dismissal Qadi Jalal Uddin Multani was entrusted the highly responsible work of Qada (³با امر جليل القدر لنا افعال داشت). Referring to his appointment Badau'ni says that Jalal Uddin Multani was called from Agra and was appointed Qadi-i-Musalik; ⁴ but the Tabakat records his exaltation to the post of Adi-ul-Quddat, ⁵ and Abul Fadl to Qada-i-'Askar. ⁶

Qadi 'Abd-us-Sami' who was appointed the chief Judicial officer in 990 A.H./1682 A.D. is styled Qadi-ul-Quddat ⁷ by Badau'ni. Abul Fadl records his exaltation to the position of Qadi-i-'Askar. ⁸

All these contemporary statements support the theory that the chief Qadi of the realm (Qadi-ul-Quddat) ⁹ was also known as

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1. Badau'ni, III, p. 378 (78).
 2. Tabakat-i-Akbari, III, p. 390; At one place Nizamuddin has called Qadi Yaqub, Qadi-i-Urdū. Tabakat, II, p. 436 (B.De).
 3. Badau'ni, III, p. 78.
 4. Ibid., II, p. 210.
 5. Tabakat-i-Akbari, III, p. 391.
 6. Akbar Nama, III, p. 377-78.
 7. Badau'ni, II, p. 314.
 8. Akbar Nama, III, pp. 377-78.
 9. Sarkar has also come to the conclusion that the Qadi-ul-Quddat was also styled Qadi-i-Urdū. Mughal administration, p. 84.

the Qadi-i-'Askar and Qadi-i-Urdu. Nizam Uddin has styled them all as Adi-ul-Qudat, whereas Abul Fadl invariably calls them Qadi-i-'Askar. But Badau'ni has referred to them as Qadi-i-Musalik Qadi-i-Urdu and Qadi-ul-Qudat. Later the term most applied to the chief justice was Qadi-ul-Qudat.¹

After the Qadi, the next important judicial officer was Mir 'Adl. Abul Fadl does not think his appointment essential, and conditions it on the qadi not being able to do the full work of his calling. Hence the need of appointing two persons one to diagnose the case the other to carry out his findings.² But Monserrate definitely refers to the existence of two judicial officers.³ Father xavier has referred to the Mir 'Adl as a high judicial officer.⁴

About the existence of the Mir 'Adl very contradictory opinions exist among the modern writers. Dr. Saran is of the opinion that the office of Mir 'Adl was peculiar to India⁵ and that it was "purely a creation of the Mughals and no mention is found of that officer during the Sultanate period."⁶

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1. Khawafi Khan, II, pp. 216-17; Ma'athir-ul-Umara, I, pp. 72-76; Mir 'at-i-Ahmadi, I, pp. 296, 330, 336.
 2. A'in-i-Akbari, I, p. 226. Dastur-ul-'Amal-i-'Alamgiri, I, f. 38b.

اگر شناسائی و مردانگی فراهم نباشد دو کس بر کلمه یکی دریا بد آفرای قاضی باشد
و دیگری بکلمه باشد آن را مرد دل -
این اول ص ۲۲۴

3. Monserrate, p. 209.
4. MacLagan, p. 89.
5. Saran, p. 247.
6. Ibid.

The office of the Mir 'Adl, was neither peculiar to India nor a creation of the Mughals. Long before the coming of the Mughals to India Timur was appointing Amir 'Adls to report the matters of 'Urf of the army and the subject.¹ In India the post of Mir 'Adl existed under the Lodis.² The Mir 'Adl was also a part of Sher Shah's judiciary.³

Dr. Saran denies the existence of Mir 'Adl in the central Judiciary. Further he thinks that the three offices, of the Sadr, the Qadi and the Mir 'Adl "seem to have been very often entrusted to one and the same person even though they may not have been amalgamated."⁴

The Mir 'Adl of the Mughal Judiciary was also known as Mir 'Adl-i-Urdu. For the reign of Akbar, chronicles mention the names of three Mir 'Adls. Saiyid Muhammad of Amroha was Mir 'Adl for a long time,⁵ (میر علی محمد). He continued to hold the

1. Institutes, p. 178.

2. Nizamuddin tells us that Sultan Sikandar Lodi appointed Mian Bhua as Mir 'Adl (Tabakat, I, pp. 339-40).

3. Tarikh-i-Daudi, p. 139.

4. Saran, p. 344.

5. Tabakat-i-Akbari, III, p. 392.

post upto 993 A.H./1575 A.D.¹ Qasim Beg Tabroni was appointed Mir 'Adl-i-Uran in 994 A.H./1585 A.D.² We do not know when he was replaced by Mir Abdul Hai but in 999 A.H./1580 A.D., Mir 'Abd-ul-Hai, the Mir 'Adl was taking part in the Nawroz drinking parties which greatly amused Akbar.³ In the forty fourth year of his reign (1580) Mir 'Abd-ul-Hai, Mir 'Adl was sent to Salim with some message by Akbar.⁴

During the first year of his reign, Jahangir appointed Shaikh Ahmad Lahori as Mir 'Adl. He presented the disciples (مريدان) and men of sincerity (ارباب اخلاص) at the court.⁵ Later Maulana Muhammad Fadil Badakhshi, a very learned man, was given the post of Mir 'Adl-i-Uran. He retired from the office in the eighth year of Shah Jahan's reign.⁶ The next holder of the post,

1. Bada'uni, III, pp.75-6; Akbar Nama, III, p. 152.

Dr. Saran holds that Saiyid Muhammad was Mir 'Adl of some province. But the evidence is in favour of Saiyid Muhammad being an officer of the central judiciary as (a) he was attached to the court (ب) در سلک ملازمان درگاه بادشاهی انتظام داشت (c) his post is called great منصب حبل القدر by Bada'uni (III, p. 304); (d) due to his (Saiyid Muhammad's honesty), the chief Qadi of the age (قاضی قضاات عهد) left off malice and fraud. If he had belonged to some provincial court, the chief Qadi had little contact with him and there would have been little probability for the chief Qadi to leave his bad habits in consideration for one of his subordinates.

2. Akbar Nama, III, p. 477. Qasim Beg was sent to Malwa in 999 A.H./1580 A.D. with Prince Murad, so the post would have fell vacant, and the Mir appointed, A.H. III, p. 509.

3. Ibid., p. 582.

4. Jahai Nama, II, p. 464.

5. Tuzk-i-Jahangiri, p. 23.

6. 'Amal-i-Salikh, III, p. 589.

Abdul Qadir Manakpuri, soon relanquished his position.¹ Mir Barka Bokhari, who ^{succeeded} next / as the Mir 'Adl-i-Urdu was a just and impartial man. At the death of Mir Barka in 1062 A.H./1642 A.D., Khwaja Abul Khair, a descendent of Maulana Yaqub Charkhi was entrusted the post with an yearly allowance of Rs.15.² In 1061 A.H./1650 A.D. Haji Ahmad Sa'id, the then Mir 'Adl, was sent to Rum (Turkey) as ambassador and Shaikh 'Abd-us-Samad 'Amodi became the Mir 'Adl-i-Askar.³

All these appointments conclusively prove the existence of a Mir 'Adl at the centre. Besides, their separate existence negative the theory that the same person held the post of Qadi and the Mir 'Adl. Then Badau'ni's statement that: 'Saiyid Muhammad, ^ in that great office, behaved with such equity, justice, honesty and faith that the chief Qadi of the time, in consideration of his age (از خباثت و خبیث) left off fraud and depravity (صلاحیت عمری او) , testify to the existence of a Mir 'Adl who was not the Chief Qadi at the same time.

The Mufti also was an important officer of the Judiciary. His duty was to give a statement of law, applicable to the case pending. About the appointment of the Mufti, Ibn Khaldun writes: "The Caliph must examine the religious scholars and teachers and

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1. Lahori, II, p. 58; 'Amal-i-Salih, II, pp. 56-57.
 2. 'Amal-i-Salih, II, p. 363.
 3. Ibid., II, p. 132.
 4. Badau'ni, II, p. 75.

entrust it only to those qualified for it. He must help them in their task, and he must prevent those who are not qualified for the office from becoming Mufti. The office of the Mufti is one of the public interest for the Muslim religious community. The Caliph has to take care lest unqualified persons undertake to act as Mufti and so lead the people astray.¹"

The post of the Mufti existed under the Mughals; but it was not an essential part of the Mughal Judiciary. During Akbar's reign, Miran Sadr Jahan of Pihani was the Mufti-i-Muzalik. He was appointed at the recommendation of Shaikh 'Abd-un-Nabi, the Sadr-us-Sudur.² When Prince Salim used to go to the Shaikh for receiving instruction in Traditions of the Prophet, the Mufti also used to be there. He became a great favourite of the Prince.³ Out of consideration for his religious office, the Mufti, who was a great poet, gave up poetry,⁴ but strangely enough continued to attend drinking parties of Nauroz.⁵ Miran Sadr Jahan was later appointed the Sadr-us-Sudur.⁶

The Chief Mufti was also called the Mufti-i-'Askar or Urdu, Mulla 'Abd-us-Salam⁷ and Saiyid Ahmad Sa'id served as Mufti-i-'Askar

1. Ibn Khaldun, I, p. 462.

2. Badaun'i, III, p. 141.

3. Tuzuk-i-Jahangiri, p. 9.

4. Badaun'i, II, p. 30; Ma'athir-ul-Umara, III, pp. 360-61.

5. Akbar Nama, III, p. 582; Badaun'i, pp. 141-42; Ma'athir-ul-Umara III, pp. 360-61.

6. Badaun'i, III, p. 141; Sirhindi f. 196a, 261b-63a; 272a.

7. Lahori, I, p. 278.

under Shah Jahan.¹ Mulla 'Inag Wajih, before his appointment as chief Mukhtash under Aurangzeb, was Mufti of the camp.² At the accession of Aurangzeb 'Abdul Wahhab was Mufti in Akbar. Aurangzeb appointed him as Chief Cadi.³ According to Mr. H.B. Ahmad, the Mufti attached to the chief justice's court was known as Mufti in Akbar or Sadr-i-Madani.⁴ But the contemporary chronicles do not confirm this assumption.

Some other Muftis have been mentioned in the contemporary works but it is not certain whether they were attached to the central judiciary or not. Badayuni mentions the name of Maulana Mohammed Mufti Lahori,⁵ and Maulana Jamal Khan Mufti Delhi.⁶ Some local Muftis of Akbar have also been referred to in the contemporary chronicles.

The Muftis, sometimes were also appointed in the lower units of government is borne out by Thevenot's account. Referring to this officer, Thevenot remarks : "There is a Mufti at Surat, who has the inspection over all that concerns the Mahometan Religion."⁷ The Tahqiqat has given a list of Muftis with the place of their appointments.⁸

1. 'Amal-i-Salikh, II, p. 421; Shah Jahan Nama, III, pp. 202-03.

2. Muhtashim-i-Alamgiri, p. 26; Shah Jahan Nama, III, p. 204. Mulla 'Inag Wajih was appointed Mufti in the 20th year of Shah Jahan's reign.

3. Mirat-i-Ahmadi, I, p. 243.

4. H.B. Ahmad, p. 147.

5. Badayuni, III, p. 144.

6. Badayuni, III, pp. 77; Tahqiqat-i-Akbari, III, p. 301.

7. Thevenot, III, p. 23.

8. Tahqiqat-i-Akbari, III, pp. 300-02.

Shaikh Abul Path was Mufti of Agra. Tahqiqat, III, p. 301. Mulla Jalil was a great scholar, Mufti & traditionalist Tahqiqat, III, p. 302. Mulla Sayyid & Mulla Ismail were Muftis, Tahqiqat, III, p. 302.

Later another officer called Darogha-i-'Adalat¹ came to be attached to the judiciary. Kazim says that Aurangzeb had appointed Mir 'Adl and the Darogha-i-'Adalat in order to bring the oppressed and seekers of justice to the court to present their complaints before His Majesty.² When Aurangzeb held assembly in the Ghusal Khana, the Darogha-i-'Adalat presented the litigants and the complainants, and also detailed their cases.³ Different persons

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1. The post of Darogha-i-'Adalat is first referred to in the chronicles of Shah Jahan, Lahori, I, p. 160. 'Amal-i-Salih, II, p. 387.
 2. 'Alamgir Nama, II, pp. 1076-7.

میر عدل و داروغہ عدالت همین بوده اند که مظلومان و داد خواهان پیشگاه
عدالت حاضر آید. مطالب و مخاصم آنها را بررسی و الا میفرستند. از غایت اعتبار
و اطمینان ایشان این امر جلیل یکی از مستندان پادشاه خلافت را همین ساخته اند
که اگر متصدیان عدالت در عرض بدی و انحطاط مطلب مظلومان بنابر افراد نسانی
تاخیر و مصیبت داده اند و مسامحه و نزله و آن مستغنیان بدو رجوع نموده عرائض
مشغل بر حقیقت حال خویش بدو دهند تا آنها را بنظر انور رسانند. و در
خلوت قدر آن مظلوم نامها بمطالعہ اشرف میرسد و جواب مطالب آن فراق بحضرت
پادشاه بر حاشیه آنها طراز نگاشتن می یابد.

3. 'Alamgir Nama, II, pp. 1102.

درین مجلس همایون (مجلسخانه) نیز داروغہ عدالت مستغنیان و داد خواهان
را حاضر ساخته عرض احوال و مطالب آنها می نماید. و شهباشاه حق آگاه
بحال مظلومان نیز پرداخته داد و حتی خلافت می فرماید.

held this post under Aurangzeb. When Shaikh Sulaiman was appointed Darogha-i-'Adalat he was given the rank of 700 ¹¹ ahat. In the 23rd year of Aurangzeb's (1681 A.D.) reign he received the title of Fadail Khan.² Abu Sa'id, son-in-law of Qadi 'Abd-ul-wahhab was Darogha-i-'Adalat for sometime under Aurangzeb.³ Khwaja Sadiq and Mir Aziz Badakhshi also held this post under Aurangzeb.⁴

For deciding the cases of the Hindus, Akbar appointed a Pandit. Badau'ni writes : "The cases of the Hindus are decided by the wise Brahman and not by the Qadis of the Muslims."⁵ Most probably this practice was continued by Akbar's successors.

Beside all these officers, the post of the Qadi of the capital also existed.⁶ This post was thought to be of great

1. Ma'athir-i-'Alamgiri, p. 76.

2. Ibid., p. 189.

3. Ibid., p. 180.

4. 'Alamgir Nama, II, p. 619.

5. Badau'ni, II, p. 360

مسائل مدوان را بر من دانا قطع رسالت نه قلن سليمان

Ibn Hasan is of the opinion that only cases of inheritance marriage and the like in which the Hindu law admitted a no modification were decided by Hindu judges and not all civil cases of Hindus, pp. 309, 310.

6. 'Amal-i-Salih, II, pp. 113-14, Qadi Khushhal, before his appointment as the chief Qadi, served in the capacity of the Qadi of the Madat capital. Shaikh-ul-Islam was the Qadi of the capital before his appointment as the chief Qadi of the realm (Ma'athir-i-'Alamgiri, p. 146) Muhammad Salih was appointed Qadi of the capital in the 27th regnal year by Aurangzeb (Ma'athir-i-'Alamgiri, p. 240).

importance.¹ The need of the Qadi at the capital was probably felt because the Chief Qadi often accompanied the Emperor on campaigns. Sometimes a Mir 'Adl was appointed in the capital.²

The Qadi was given gumashtas (representatives) and a contingent to help him in the discharge of his duties.³

The Kotwal, though not attached to the Judiciary, helped the judicial officers by keeping an eye on the bad characters of the city. He was responsible for the city administration. A group of spies were employed by him. They kept him informed about all the city-quarters; and the activities of the citizens were also reported to him. By keeping track of all the defaulters and malefactor, he eliminated the danger of robbery and revolt.⁴ If any robbery occurred in the jurisdiction of the Kotwal he had to round up the suspected persons and discover the thief. If the thief was not discovered he had to make good the losses.⁵ During the reign of

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1. Nigar Nama-i-Munshi, p. 116.
 2. Lahori, II, p. 348.
 3. Nagari Sarkar Ameer, pp. 462, 177.
 4. A'in-i-Akbari, I, pp. 226-27. Hidayat-ul-Gawar, ff. 18b.

نوی ضبط و ضبط کند که در قصبه مذکور دزدی واقع نشود و سبک آفتاب در امن و امان
بوده یکسب و پیشه خود مشغول باشند - نگار نامه - ص ۱۴۴

5. Nigar Nama-i-Munshi, p. 90; At his appointment the Kotwal is instructed:

"احتمالاً اگر در خانه احدی از ساکنان قصبه مذکور (اسلام آباد) دزدی واقع شود
مال مسروق بهر سبب به مالک سپرد گردد - والا از عهد و جواب بر آید -
نگار نامه - ص ۹۰

Aurangzeb, due to the vastness of the Empire and the lenient code of punishment,¹ confusion and robbery became common. The foreign travellers have criticised the conduct of the Kotwals in times of robbery.²

The Muhtasib, being responsible for the people's morals and also for supervision of the markets, kept his eyes on all sorts of people who deviated from the right path and hence checked fraud. In this capacity he had the authority to punish all those people who did not observe the moral code and did fraud with others.³

A representative of the Kagazi' Navis also attended the judicial court and recorded all the proceeding, which were sent to the Kagazi' Navis.⁴ The representative of the Savanah Nigar also attended the Judicial court.⁵

It was during the reign of Aurangzeb (in 1682/1671) that the lawyers (وکيل شرعي) were appointed in all the provinces and

1. Khawafi Khan, II, pp.88-89. Khwafi Khan in another context say

بانی سیاست که توس و راجه همان در دل جاگیر ایران و توجہ ایران و زمین ایران
جاگیر اسلا در عهد پادشاه عالمگیر در قلمرو مالک حرمه هندوستان بنام
خواجہ خان - دوم - ص ۸۸ - ۸۹

2. Creri, III, p. 362.

3. Hidayat-ul-Qawanin, f. 19a.

4. Mirak-i-Ahmad, Suppt. pp. 174-5.

5. *Ibid.*, pp. 174-5.

towns. They were to do justice (دادرشاهی) to the people who could not reach the court.¹ They/sat^{sometime} for administering justice in the court with the Qadi.² They received Rs one daily from the state. Some cases are recorded in the contemporary works in which wakils conducted the case on the part of their clients.³

QUALIFICATION OF THE QADI

The authority of a Qadi is not valid, unless he possess the qualifications of a witness, that is, he should be free, sane and adult Muslim and should not have been convicted of slander.⁴ "It is incumbent on the sultan," says/Hedaya, "to select for the office of the (Qadi) a person who is capable of discharging the duties of it, and passing decrees; and who is also in superlative degree be, just and virtuous, for the Prophet has said, whoever appoints a person to the discharge of any office, while there is any other among his subjects more qualified for the same, than the person appointed, does surely commit an injury with respect to the rights of God, the Prophet and the Mussalmans!"⁵ The office of the qadi should neither be coveted nor desired.⁶

1. Khwafi Khan, II, p. 249; Khwafi Khan, II, p. 253.

2. Mirat, Suppt. p. 149.

3. Waqai' Sarkar Ameer, 14, 18-19; Allahabad Document, 4047.

4. Hedaya, II, p. 612 (tr.).

5. Ibid., II, p. 615.

6. Ibid., ^{II}/p. 616.

The appointment of an ignorant man to the office of the qadi is valid according to Imam Abu Hanifa. Imam Shafai does not hold such an appointment valid, for, he argues, that such appointment supposes a capability of issuing decrees, and of deciding between right and wrong and these acts cannot be performed without knowledge. Imam Abu Hanifa says that the qadi has to pass decrees on the opinion of others, so knowledge is not essential.¹

Abul Fadi does not include learning in the requisite qualifications for a Qadi. For a person to be appointed qadi, says Abul Fadi, he must possess some very rare qualities. He must be discreet, generous, sharp-sighted, ^{and} conversant with the requirements of time.² He should also possess keen insight into the subtleties of human nature, and should be frank, polite, moderate and kind.³ A later authority includes learning, justice and piety also amongst the essential qualifications for a Qadi.⁴ The Waqai' Sarker Ameer mentions a proficiency certificate (امان نامه), which a qadi appointed to a smaller jurisdiction had to present to the provincial Sadr before taking charge of his duties. This was a sort of sanad attesting to the scholarly merits of the holder.⁵

1. Hedayat, II, p. 616.

2. A'in, I, p. 226.

3. Ibid., I, p. 6.

4. Hedayat-ul-Savahan, f. 20.

5. Waqai' Sarker Ameer, pp. 36-6.

These are in theory the qualifications which a person was expected to possess before he could be considered eligible for the post of a qadi. Some writers have, however, criticised the Mughal qadis and have levied charges of dishonesty against them.¹ But this seems to be an exception rather than a rule. The only cases of corruption that we find in the contemporary records of the qadis of the Centre are of 'Abd-us-Sami' and 'Abd-ul-Wahhab. The number of qadis, (of the central judiciary) praised for their honesty and integrity is much larger. Qadi Tawais,² Qadi Jalaluddin³ Multani, Qadi Muhammad Aslam,⁴ Qadi Khushhal,⁵ Shaikh-ul-Islam,⁶ Qadi 'Abdullah⁷ and Qadi Muhammad Akram⁸ were all men of honesty and integrity.

As no government could guarantee the high character of all its staff, the Mughal state was no exception to this general rule;

1. Mughal Administration, pp. 27-8.

2. Bada'uni, II, pp. 101, 111, p. 78, Tabakat, III, p. 390.

3. Bada'uni, II, p. 314, III, p. 78; Tabakat, III, p. 390.

4. Lahori, I, p. 343; Amal-i-Salih, II, pp. 113-14; Ma'athir-ul-Umara III, p. 93.

5. 'Amal-i-Salih, II, pp. 113-14.

6. Khwafi Khan, II, p. 247; Ma'athir-ul-Umara, I, pp. 73-6.

7. Hus'at-i-Alamgiri, p. 12.

Aurangzeb writes, "Qadi 'Abdullah is dead; he kept me and the people pleased by his work". In another letter he says "Thank God, my Qadi is religious, just and pious; does not keep his eyes on this and that. In deciding cases, he is just and equitable. Hus'at-i-Alamgiri, p. 32.

8. Ma'athir-i-Alamgiri, p. 397.

some of its local qadis were men of easy conscience and indulged in bribes. The hereditary qadis are especially condemned by the contemporary writers;¹ but the foreign travellers have exaggerated and magnified the corruption of the Judicial officers.² Unfortunately, the Mughals who tried to purge their administration of corrupt officers, did not remedy the main cause of corruption of officers of justice - their insufficient remuneration. The pay of the Judicial staff was very small compared to the other officers of State; and the hereditary qadis received still smaller salary as they inherited only a part of the grant assigned to the original holder for his services.³

Appointments:

The Qadi-ul-Quddat was appointed by the Emperor.⁴ The qadis of smaller jurisdiction as of the Subahs and Qasbat were appointed

1. Mataair-ul-Hisara, I, p. 240
Shah Navas Khan says, "what shall be said of the hereditary qadis of township, for to be in touch with science is the lot of enemies (i.e. is a misfortune), and the register of degnan diya (village accountant) and words of panindars are their law and holy books."
2. Pelsaert, p. 67; Bernier, p. 226.
3. S.D.S.R. No. 90, pp. 189-90.
An interesting incident is recorded of Sanjar's reign by Masumi about a Qadi who used to take bribes of the litigants. When Sanjar was informed of the affair, he summoned the Qadi to the court and questioned him. The Qadi, a man of cold spirit, not only confessed to this weakness but also remarked that he wanted to take something even from the witnesses and had to abstain as they would leave before he could taken anything. The Sanjar had a sense of humour to laugh on the implication of the Qadi to his small salary, and fixed suitable masifa. Tarikh-i-Masumi, II, p. 73. This was not an isolated incident indicating the small remuneration of the government staff under Sanjar, but a good example of what was the pay condition of judicial officials, even under the Mughals.
4. A'in-i-Akhbari, I, p. 226; Mir'at-i-Ahmadi, suppl. p. 174.

on the risalah (representation) of the Sadr-us-Sudur and the Sanad royal sealed by the Sadr-us-Sudur.¹ The Qadi had to present his credentials with his Sanad before the provincial Sadr. When the Sadr was satisfied then only the Qadi took charge of his duties.²

In case of a temporary vacancy in the Qada at the centre, some eminent Qadi was asked to officiate. When Qadi 'Abdul Wahhab, the Chief Qadi of Aurangzeb fell ill, Saiyid 'Ali Akbar, the Qadi of Lahore became his deputy, and officiated during his illness.³ When some permanent vacancy occurred in the central judiciary, either the Qadi of the capital or some Provincial Qadi was appointed in the office.⁴

The history of the appointment of the qadis makes it clear that there was no set pattern for the selection of the Qadis. Though the qualification of the candidate counted for much in the

1. Mir'at-i-Ahmadi, suppl. p. 174.

لانی صوبہ و قضاات از رسالہ و سند بہر صدر المدور بطور مشورہ و مطابق سند
درکامی از دفتر مدارت صوبہ حاصل می نمایند

2. Kasbi' Sarkar Ameer, pp. 35-6.

3. Ma'athir-i-'Alamsiri, p. 143.

4. Ma'athir-i-'Alamsiri, p. 146. At the death of Qadi Abdul Wahhab, his son Shaikh-ul-Islam, the Qadi of the capital was given the post of Chief Qadi. At the resignation of Saiyid Abu Sa'id, Khwaja 'Abdullah, the Qadi of Gujarat province was appointed Qadi-ul-Qudat, (Ma'athir-i-'Alamsiri, p. 269; Mirat, I, pp. 309-10). On the death of Khwaja 'Abdullah, Muhammad Akram (of the hereditary Mufti family of Delhi), serving as Qadi of Aurangabad was given the great post (Ma'athir-i-'Alamsiri, p. 397). Mulla Haider, Qadi of Delhi, succeeded Muhammad Akram in the post of Chief Qadi (Ma'athir-i-'Alamsiri, p. 614).

selection of the Qadi, sometimes recommendations, and king's own inclination and favourable impression were of great value. When Shaikh-ul-Islam resigned his post Aurangzeb asked him to recommend some suitable successor and he suggested the name of his own brother-in-law Saiyid Abu Sa'id.¹ Qadi 'Abdullah was appointed on the recommendation of prince A'sam.² Qadi Abdul Wahhab received the Qaddat as a reward. When Aurangzeb celebrated his second coronation, and the question of reading the Khutba arose the chief Qadi refused to read it as Shah Jahan was alive. The Qadi said that reading khutba in the name of the son during the lifetime of the father was against Sharia. Qadi 'Abdul Wahhab, the Mufti of the camp, sought permission of Aurangzeb to convince the Qadi that his opinion was wrong. He convinced the Qadi-ul-Qaddat and other 'Ulama by clever manipulation and interpretation of the opinions of the jurists (rad-o-badal-i-Masa'il-i-Fiqhi). Pleased at this service, Aurangzeb asked Qadi 'Abdul Wahhab to read the khutba and appointed him as the Chief Qadi³ of the Empire.

The Qadi, like every other officer of the state, held his post during the Emperor's pleasure. Qadi Tawais, the first chief Qadi of Akbar had to leave his post because during the rebellion of Khan-i-Zaman he gave verdict that killing the prisoners and

1. Ma'athir-i-Alamsiri, p.23, Ma'athir-ul-Umara, I, pp.337-39.

2. Mirat-i-Ahmadi, pp. 309-310.

3. Mirat-i-Ahmadi, I, p.248. Tavernier, I, p.284. Creri, III, pp. 230-31.

escheating their property after the war, was illegal.¹ Qadi Yaqub, the second Qadi of Akbar's reign had to relinquish his post after the marriage question.² He was sent to Bengal as the provincial Qadi.³ The next Qadi, Qadi Jalal Uddin Multani was dismissed from the post due to the dishonesty of his son/^{and} unscrupulous/^{conduct} of some wakils.⁴ Discussing the circumstances of Qadi Jalal's dismissal Abul Fazl says: "When it was discovered that worldly interest had depraved the intellect of that avaricious man (Qadi Jalal) and that he had deviated from truth and rectitude, and also it became notorious that his son had embezzled treasury-money he was removed from office and from that trust, and the pen of suppression was written over the forehead of his circumstances."⁵

Some Qadis of Aurangzeb, like Qadi Abdul Wahhab, Khwaja 'Abdullah and Mohammad Akram retained the post till their death.

1. Badau'ni, II, p.101, III, p. 306.

2. Marriage question, Badau'ni, II, pp. 209-10.

3. Badau'ni, III, p.78, II, p. 210.

4. Bada'uni, III, p. 78, Badau'ni, II, pp. 313-314.

5. Akbar Nama, III, p. 377.

The Ahkan-us-Sultania says that a qadi can ask for retirement whenever he likes.¹ The Only chief Qadi who resigned his post during the Mughal period was Shaikh-ul-Islam.²

Transfers were also made in the judiciary. In 1683 A.D., Aurangzeb transferred Mohammad Salih to Delhi and Mohammad Akram, Mufti-i-Akbar became Qadi of Aurangzeb.³

The qadis of the sarkars, parganas and qasbas took charge of their responsibilities when they received the imperial order⁴ (سند درگامی). This sanad was sealed by the Sadr-us-Sudur.⁵ The appointment/letter was addressed to the Mutasaddis of the place of appointment. Till the arrival of the order, the person was accepted

1. Ahkan-us-Sultania, p. 197.

2. Ma'athir-i-Alamgiri, p. 238.

قاضی شیخ الاسلام پسر قاضی عبدالوہاب را با استعداد ذاتی و توفیق فطری الہی جذبہ درہود - جہلوتکبر و امن پر تشدد از تعلقات دیوی برخوردار - و با وجود عیال و حضرات و عیال پر عدم ترک قضای چنین کسان لازم لامناست ہان توجہ از طریق کہ رفتہ بود نکردند - چارو ناچار بدجور حمان موثق خدمت قضای اردو رسیدہ ابو سعید سید حسیب و سہب دادند قاضی عبدالوہاب طوسی شد - موی الہ از دارالخلاہ آندہ ملازمت نمود با تمام خلعت و شمشیر و جدہ سرسبز گردید -

بآمر عالمگیری - م ۲۲۸ - سال ۲۷ جلوس

3. Ma'athir-i-Alamgiri, p. 146.

4. Nisai, I, pp. 201, 193, 199.

5. Nisai Nama, pp. 83-84.

as the Qadi of the place when a letter to that effect was received.¹

Sometimes, the chief Qadi of a sarkar was asked to appoint his own paiba (assistants) in the qasbas and the parganas.²

Generally every place with some Muslim population had a qadi of its own. In case there was no qadi in some place having Muslim population, the people asked for the appointment of a qadi.³ The village panchayats functioned in their own locality/ and/ decided cases in the age old system prevalent in the country.

Qadi's Duties:

In the time of the Caliphs, says Ibn Khaldun, the duty of the judge was to settle suits between litigants. As the responsibilities of the Caliph grew, gradually, other matters came to be referred to ^{the} qadi. Finally the office of the judge came to include (in addition to settlement of suits) certain general concerns of the Muslims, such as the supervisions of the property of the insane persons, orphans, bankrupts and incompetent people who were under the care of the guardians; supervision of wills and mortmain donations and the marrying of the marriageable women without guardian to give them away, supervision of public roads and building examination of witnesses, attorneys, and court substitutes, to

1. Nigar Nama, pp. 83-84.

2. S.D.S.R., No. 947.

3. Nagari Sarkar Alim, p. 639.

acquire full knowledge and complete acquaintance relative to their reliability or unreliability. All these things had become part of the position and duties of the judge.¹

Former Caliphs had entrusted the judge with the supervision of torts. This was a position that combined elements, both of government, power and judicial discretion. It needed a strong hand and considerable authority to subdue the evil doer and restrain the aggressor among the litigants. In a way it served to do what the judges and others were unable to do. It concerned the examination of evidence, dealt with punishment of crimes not discussed in the religious law. It also concerned with the use of indirect and circumstantial evidence, with the postponement of the judgement until the legal position was clarified, with attempts to bring about reconciliation between litigants, and with the oaths administered to witnesses.²

During the Mughal period the Chief Qadi performed functions of a varied nature. He attended the court and was assigned the responsibility of the dispensation of justice in civil and criminal cases.³

Appointment letters generally listed the duties which the person appointed was expected to perform. These lists usually referred to the following duties:

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1. Ibn Khaldun, I, pp.464-466 (Chapter III, sec. 29).
 2. Ibn Khaldun, I, p. 466.
 3. Ma'athir-i-Alamgiri, p.336; Yacai' Sarkar Ameer, pp.13,17,91,91
'Alamgir Nama, pp. 1097,1102.

- a. To judge cases and pass judgement.¹
- b. To put an end to enmity and dispute.²
- c. To distribute inheritance and legacies.³
- d. To attest and put seals on official letters, such as Ambar Nama, Tamashah, Ambar-i-Shahi, etc.⁴
- e. To appoint mal (administrator) for the heritage of the minors.
- f. To divide the heritage according to the Shariat.⁵
- g. To lead the Friday prayer, and address the congregation on the occasions of 'Eid'.
- h. To decide conflicts in connection with the grant lands. Consultation with the mal was necessary if the question involved some legal issue. In such circumstances a case was decided, however, with the consultation of the Malik in the presence of the administrative officers.

Beside the duties listed above, a qadi generally performed functions rendered necessary on account of his being the head of

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1. 'Alamgir Nama, pp. 1007, 1108; Nizam Nama, p. 122.
 2. Ambar-i-Shahi, f. 98a.
 3. Nizam Nama, p. 122; Ambar-i-Shahi, f. 98a.
 4. Nizam Nama, 122; Ambar-i-Shahi, f. 98a.
 5. Nizam Nama, p. 122; Ambar-i-Shahi, f. 98a.
 6. Nizam Nama, p. 122.
 7. Nizam Nama, p. 112 (This duty was rarely performed by the qadi. Generally the king appointed Amir to lead the prayers, and Khaki to address the congregation. Alamgir Nama, p. 802.
 8. Alamgir Nama, 361 (But when Aurangzeb made the grants hereditary, he also drafted rules for inheritance; in the heritage division, Shariat principles were not applied. Alamgir Nama, II, p. 364.

the Muslim congregation. Such functions included the performance of the Nikah¹ saying funeral prayer,² offering prayer for the rain,³ etc. Fixation of prices, regulation of weights and measures, and ascertainment of the condition of the Imams, callers, their appointment and dismissal was, sometime^{part}, a/ of the duty of a qadi.⁴

Sometimes a Qadi was also given the post of Muhtasib. In such cases his duties included:⁵

- a. Encouragement of devotion and prayer among people.
- b. Dissuading people from doing that which is forbidden and inducing them to acts of piety.
- c. Keeping an eye on the accuracy of weights and measures.

The Amini (Trusteeship) of the Bait-ul-Mal was generally included in the duties of the Qadi.⁶ Sometimes when it was thought necessary the office of the Wakil-i-Shara'i was also given to the qadi of the place.⁷ The amalgamation of these offices in one person meant an increase in duties and responsibilities of the qadi.

During the Mughal period the Bait-ul-Mal included also the escheated property of the nobles.⁸ This property was taken into

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1. Ma'athir-i-'Alamgiri, pp. 49, 124, 126, 210, 247.
 2. Waqai-i-Alamgiri, p. 144; 'Alamgir Nama, pp. 933-34.
 3. Lahori, II, p. 278; 'Amal-i-Salih, II, pp. 260-61.
 4. Munsha'at-i-Nankin, f. 97b.
 5. S.D.A.R., No. 947.
 6. Mirat, supplt. p. 186.
 7. Nigar Nama-i-Munshi, p. 161.
 8. Nigar Nama, p. 181, Waqai' Sarkar Ameer, p. 213; Tuzuk, p. 12.

custody under the seal of the Qadi in the presence of the Mir Saman and on the report of the Diwan-i-Subah.¹ The chronicles tell us that in the reigns of Shah Jahan and Aurangzeb the heirless property of even the Hindus was kept in the Bait-ul-Mal and under the control of the Qadi. According to M.B.Ahmad, the Qadi and the Sadr formed a joint board to control the Bait-ul-Mal funds.³ Aurangzeb made the Qadis the custodian (Amin) of the Bait-ul-Mal in their respective jurisdictions.⁴

During the reign of Aurangzeb, when the jizyah was reimposed by Aurangzeb, sometimes the Qadi and the Mir 'Adl were made jointly responsible for its collection.⁵ Occasionally sums from the jizyah money were appropriated by these collectors for their own use.⁶

M.B.Ahmad says that the Qadi was invariably consulted when fresh taxes were levied.⁷

The chief Qadi was a link between the Emperor and the provincial religious officers.⁸ Sometimes other state matters

1. Mirat, suppl. p.186; Nizar Nama, p. 36.

2. Waqai' Sarkar Ameer, pp. 66-67.

3. M.B. Ahmad, p. 163.

4. Mirat, I, p. 239.

5. Khwafi Khan, II, p.606; Waqai' Sarkar Ameer, pp.433,306,308,339.

6. Waqai' Sarkar Ameer, p. 437.

7. M.B.Ahmad, p. 144.

8. Mirat-i-Ahmadi, I, pp. 309-310.

were also reported through him. Khwaja 'Abdullah, before his appointment as the Qadi-ul-Quddat, was the Qadi of Gujarat province. After his appointment as the chief Qadi, the affairs of Gujarat were often reported to the Emperor through him.¹ He served as an intermediary between Kartalab Khan, the governor of Gujarat, and Aurangzeb.²

Etiquette for the Qadi:

A qadi is expected to sponsor justice, destroy tyranny and to defend and follow the code of Shari'at.³ Caliph 'Umar laid the following rules for the Qadis:⁴

1. Treat all people, high or low, alike when they are in your court.
2. Claimant should be required to produce evidence; oath must suffice for the defendant.
3. Compromise is permissible among Muslims, but this does not mean that an agreement is reached between the parties through which something forbidden becomes permitted, or something permitted becomes forbidden.
4. If on reconsideration you find your earlier judgement incorrect or unjust, do not hesitate to retract and rectify.

1. Mirat, I, pp. 327-28.

2. Mirat-i-Ahmadi, I, p. 334.

3. Fatawa-i-'Alamgiri, V. p. 106.

4. Ibn Khaldun, I, pp. 462-3; Ahkam-us-Sultania, pp. 186-7.

5. Use your discretion in matters which are covered neither by the Qur'an nor by the Sunna. The principles of analogical deductions should be applied in such cases.
6. If a person brings a claim, which he may or may not be able to prove, set a time limit for him. If he brings proof in the time limit, you should allow his claim otherwise you are permitted to give judgement against him. This is a better way to forestall or clear up any possible doubt.

The Hidayat ul Qawa'id¹ lays down the following procedure for the Cadi:

1. A Cadi should listen cases in the presence of both the parties and only in the court (Mahakmai 'Adalat).
2. He should not accept presents from people living in his jurisdiction.
3. He should not accept entertainment by all and sundry people.
4. He should keep in constant study those books which are needed in deciding disputes.
5. He should keep company with learned men and scholars, and should discuss matters of judicial import with them.
6. He should study the documents with care, such as Sajjalat, Qibalat and Tamassuk.
7. He should not be partial towards any party for his own reasons or because of intercession.
8. Poverty should be his pride.
9. He should decide cases keeping an eye on next world, and should not give himself up to worldly pleasures.

1. Hidayat-ul-Qawa'id, f. 20.

Beside these, the Hedaya refers to the following rules of conduct also:

- a. The Qadi should neither speak privately nor listen to the case in the absence of one party. Further, he must neither pay marked attention nor smile in the face of either of the parties as it would be against equity and justice.¹
- b. He should not deliver judgement when he is hungry or thirsty, either in passion or when he has filled his stomach; because these conditions diminish one's understanding.²
- c. It is appropriate that the Qadi should attend the funeral prayer and visit the sick people. But he should not indulge in unnecessary conversation with people on such occasions.³

Qadi's Day:

The general idea is that a Qadi should be of comfortable means so that he does not greedily look at the property of others.⁴ But at the same time he is expected to be a man of such temperament as to look upon poverty as his pride.⁵ To make him immune from

1. Hedaya, II, p. 621.

2. Ibid., II, p. 623.

3. Ibid., II, p. 622.

4. Fatava-i-'Alamgiri, V. p. 109.

5. Hedayat-ul-Qasid, f. 20.

greed and avarice it was considered necessary to fix such salary for him as would suffice for his expenses and would relieve him of the temptation to misappropriate the property of others. The Zafara says that if the Qadi be without means, he should take subsistence from the Bait-ul-Mal funds. This subsistence was to be taken from the place of Qadi's appointment. He ought to take subsistence for his family also.¹

In the Mughal period, a Qadi was given Madad-i-Ma'ash land.² The appointment letter (parwana) had a definite clause restraining other ^{officers} from molesting the Qadi in any way or by asking him to produce his renewal orders every year. The land given to a Qadi for his subsistence on condition of service, varied with the extent of his jurisdiction (امداد).³ There was no fixed principle for the payment of salary to the Qadi: whether it was to be paid in cash or kind or land was not determined by any uniform rule. In practice, beside land, he was sometimes given Rozana (daily allowance) which was paid from the local treasury. This was daily conveyed to him on the condition of service.⁴

Qadi Muhammad Aslam held Suyurghal land yielding Rs. 10,000. The mansab of two of the chief Qadis of Shah Jahan is known to us.

1. Siyasat Nama, p. 32.

2. S.D.S.R., No. 90.

3. Mirat, supplt. p. 1764.

4. Selected Documents of Aurangzeb's Reign, No. 947; Nigar Nama, p. 122.

Qadi Muhammad Aslam got a mansab of 1000 dhat and 500 sawar. His successor Qadi Khushhal had a rank of 500 dhat only.¹

This practice of not having a fixed salary was common in all the departments of administration. The pay of the qadi differed from area to area. During the reign of Akbar the salary of a qadi of Ajmer was fixed at 10 thousand dinars and 100 ass-loads of grain (davist kharvar ghalla mansaf).² When Qadi Mohammad Sharif was appointed Qadi of pargana Nala and Dhup during the time of Shah Jahan, his pay was fixed at 8 as. daily and 2 chavar³ land on condition of service. He was succeeded by his son who received one chavar land and 8 as. on the same condition in 1664. A.D.⁴

Qadi Shihabuddin, was appointed Qadi, Muhtasib and Khatib for Pargana Seoli and Tamarli. He received a Manda as 'dar o bist' and 8 as. daily on condition of service.⁵

Usually a Qadi received a robe on the two 'Eids'. Sometimes the executive officers of the provinces and the parganas gave robes on other occasions also. When Saiyid Mansur, the Fauidar, recovered from illness and attended the prayer for the first time, he gave a robe to the Qadi and a shawl to the Khatib.⁶

1. 'Amal-i-Salih, II, pp. 113-14. Lahori gives Mohd. Islam's rank as 1000 dhat 100 sawar. Lahori, II, p. 737.

2. 'Munshi-i-Nasikin, f. 97b.

3. A measure of land. One chavar is equal to 120 square bighas of land.

4. 'Selected Document of Shah Jahan's Reign, No. 90.

5. 'Selected Document of Aurangzeb's Reign, No. 947.

6. 'Waqai Daccan, No. 4 (Waqai Baglana).

A Qadi was not allowed to accept presents, either from his litigants or from his subordinates.¹ Acceptance of marriage fees (Nikahana) or fees on dowers on the part of Qadi was depreciated. But sometimes avaricious qadis indulged in this sort of practice. The writer of Ma'athir-ul-Umara gives account of the depravity of those qadis who took Mihra and Nikahana.² When Qadi Muhammad Shafi' was appointed Qadi of the pargana Mirata, he was so poor that Shuja'at Khan, the Faujdar, fixed one rupee daily for him from his jagir till his condition improved (ta baham rasidan-i-yusr).³ Why the qadi was not given a salary by the state in lieu of his service, and why the Faujdar had to make him an allowance from his own jagir is not known. This is quite a unique case.

The retainers of the qadi were also paid by the state. Once Qadi-ul-Qudat, Khvaja Abdullah, informed Aurangzeb that the

1. Ahkam-us-Sultania, p. 208.

2. Ma'athir-ul-Umara, I, p. 240.

3. Mirata-i-Ahmedi, I, p. 327.

این امر جلیل القدر (قضا) را دین بدینا فروشان سخت آسان گرفته اند زوهار برنوت خن
می کنند تا باطل حال حقوق مردم مد چند ستانند و نکاحات و مهریه را حلالی ترازشهر
مادر میداند -
مآثر الامراء - اول ص ۲۲۰
مدیرین اہل قلم مدد شایع خدمت قضائی برگزیده بودند از حضور سرائوزاری یافتہ رسیدہ
شجاعت خان را دیدہ چون احوال قلمی مذکور بحسرت بود یک روزیہ روزیہ از طرف
خود تالیم رسیدن پسر مقرب بودہ بر همان برگزیدہ کہ در جاگیر مشروطی فوجداری جود مہر
داشت تقاضا داد -
مرات - اول ص ۲۲۴

retainers of the judiciary (معاونین قاضی), Kachari and Diwani at Ahmadabad worked without pay. They extorted money from the natives of the place and gave them trouble. Aurangzeb issued an order to the Diwan of Ahmadabad asking him to keep an eye on the activities of those footmen who were not in service and to restrain the paid footmen from extracting money from the people. Aurangzeb ordered an enquiry also into the conduct of those who were reported to be guilty of illegal extortions.¹

Method of dispensing Justice:

The jurists have laid down that a qadi should execute his duty in a mosque or some other public place, well known and accessible to all.² He can transact business in his own house provided free access to all is possible there.³

During the Mughal period court houses, called 'Adalat Gah'⁴ or Dar-ul-Adalat,⁵ existed in most of the places in the Empire. Sometimes Qadis heard cases in their own houses. Though it was legal, it was not liked.⁶ The Emperor's court was known as 'Adalat-ul-Alia'.⁷

1. Mirat-i-Ahmadi, I, p. 336.

2. Hidaya, II, p. 620 (tr. Hamilton).

3. Ibid., II, p. 620.

4. Ma'athir-i-Alamgiri, pp. 263, 362.

5. Selected Documents of Deccan, No. 27. Selected Wazai, No. 8, p. 96; Wazai Sarker Aimer, p. 14; Ma'athir-i-Alamgiri, p. 263.

6. Wazai Sarker Aimer, pp. 82-83.

7. Wazai Sarker Aimer, p. 661; S.D.A.R., No. 10.

For purposes of evidence the testimony of two male witnesses or one man and two women, as provided in the Shariat law, was essential. For a person to be a witness, he must be sane, free, adult, Muslim and unconvicted of slander.¹ The qadi could question the reliability and character of the witness. If he did not fulfil the necessary qualification of a witness he was debarred from giving evidence, and the case was cancelled.² The contemporaneous chronicles tell us that a witness was expected to be pious and regular in performing the obligatory prayers.³ When no witness was available, oath was administered to the accused. Aurangzeb abolished the trial by ordeal during his reign.⁴

If the witnesses could not come to the court, the court officials sometimes sent their gumasthas (footmen or riders) to take the evidence at the place.⁵

1. Mughals, II, p. 612.

Although the Islamic law of evidence makes it essential that the witness should be Muslim, in the Mughal period sometimes even the evidence of non-Muslims was accepted against Muslims. But such cases were rare. A case in which Islam Khan was convicted of treason at the statement of non-Muslim witness is recorded by the Tahqiqi. (Elliot & Dowson), VI, pp. 25-27.

2. Mughal Sarkar Ameer, pp. 12-13.

3. Ibid., pp. 12-13.

4. Darab-ul-Ahsan, f. 133a; Mirata-Abnadi, I, p. 232.

According to H.B. Ahmad trial by ordeal was prohibited under Muslim Law (Administration of Justice, p. 124). But the sacred book has in fact nothing to say about physical ordeal. Encyclopedia of Islam (New Ed.), I, p. 1150.

5. Allahabad Document, No. 47.

Akbar did not like to depend on the witnesses for the decision of cases. He himself, when deciding cases, beside studying the physiognomy¹ of the parties, employed independent means of investigation. The Mughal rulers appointed some state officers to ascertain the particulars of the case and investigate the matter.² A subandar was ordered not to depend on oath and the witnesses simply.³ The qadis and the governors were required to make independent inquiries, and not to leave their work on the shoulder of others.⁴

A qadi was expected to be shrewd as to distinguish the oppressor from the oppressed.⁵ He had to interrogate both the parties thoroughly in order to learn all the circumstances of a case and to take down the evidence of each witness. After having completed this task with intelligence, the qadi was to deliberate on the case. In the meantime he was to attend to other business. After sometime the matter was to be investigated afresh to satisfy the doubts and to fill the loopholes. Then and only then, was the verdict to be delivered.⁶ As this work

1. Akbar Nama, III, p. 267.

2. Tuzuk-i-Jahangiri, p. 306.

3. A'in-i-Akbari, I, pp. 224-25.

4. Ibid., I, p. 226.

5. Ibid., I, p. 226.

6. Hedaya, II, p. 618; Fatawa-i-'Alamgiri, V. 360.

The instructions given to a qadi for trial of the cases are as follows. "He shall begin with asking the circumstances of the case and then try it in all its parts. He must examine each witness separately upon the same point and write down their respective evidence. Since these objects can only be effectually obtained by deliberateness, intelligence and deep reflections they will sometimes require that the cause should be tried again from the beginning and from the similarity or disagreement, he may be enabled to arrive at the truth." A'in, I, p. 226.

entailed a lot of work, the Qadi was given the service of the Mir 'Adl.¹

As Qadi had to make inquiries in most cases it took much of his time. Generally the Qadis did not like to decide the suits without ascertaining the full particulars of the case.² But cases were not left pending for long.³ Aurangzeb issued an order to the governor of Gujarat to the effect that neither the litigants were to be kept waiting, nor the prisoners were to remain in prison for long without conviction.⁴ In cases where appeals were made to the Emperor, the Qadi of the place (to which the plaintiff belonged) generally signed the testimony and the evidence gathered from the related people and sent it to the court.⁵

Intricate cases were forwarded to the court by the local qadis. The Emperor referred such cases to the Chief Qadi. During the reign of Jahangir an incident occurred at Lahore, and the Qadi

1. A'in-i-Akbari, I, p. 223.

2. Waqai' Sarkar Ameer, p. 21.

3. De Laet. p.93. De Laet says that the cases are disposed off with the greatest despatch. The travellers account have created the impression that the Mughals believed in speedy disposal of cases without any regard for justice. But this was not the case. Speed was shown and emphasised in matters of conviction as to save the embarrassment of confining the criminals before it. But the trial sometimes was lengthy as the charges were examined and thorough inquiry and investigation was made. ii

4. Mirat-i-Ahmadi, I, pp. 277-83.

5. Waqai' Sarkar Ameer, p. 25.

and the Mir 'Adl forwarded the matter to the court. A man named 'Abdul Wahhab, son of Hakim Ali, lodged a complaint of dishonesty against the Saiyids of Lahore. 'Abdul Wahhab claimed that his father kept Rs. 80,000 in the custody of Saiyid Wali, the father of the accused which they denied. 'Abdul Wahhab produced a bond under the seal of Qadi Nur Ullah, and supported his case by presenting two witnesses. But the Saiyids denied the charge. 'Abdul Wahhab was prepared to take the oath also. The case came to the court and Jahangir ordered that it should be decided according to the laws of Shari'a (mutabiq ahkam-i-Shari' ba 'amal arad'). *

The Saiyids came to the house of Mu'tamad Khan and pleaded their innocence. Mu'tamad Khan, pleading on their behalf requested the Emperor to make thorough investigations in the case. Jahangir entrusted the inquiry to Asaf Khan and asked him to be so careful as to leave no room for doubt in the case. Asaf Khan sent his men to summon 'Abdul Wahhab. But as his case was spurious, he was frightened, and wrote a letter to withdraw the case. But Asaf Khan summoned him to his place. During the inquiry 'Abdul Wahhab confessed that the bond was a forgery of his servant. The details of the case were reported to Jahangir. The Mansab and Jagir of 'Abdul Wahhab was confiscated and he lost his position. The Saiyids received robes of honour and were honourably acquitted.¹

1. Tuzuk-i-Jahangiri, p. 306; Iqbal Nama, pp. 161-163.

The Chief Qadi also received appeals against oppressive officers. A case of this nature is recorded in Persian chronicles. We are told: "Qasim Khan, Mir 'Abul Qasim was appointed governor of Bhakkar When he treated the natives tyrannically he was dismissed. The oppressed people appealed to Qadi 'Abdul Hai, Qadi-i-Urdu.¹ He summoned the Khan to the court (Adalat Khana). the Khan did not present himself. The Chief Qadi informed the Emperor that the Khan did not obey the commands of Shari'a and that he was disobedient to the Emperor. The Emperor ordered that Abul Qasim be paraded (in the streets) tied to the elephant's feet. The accused came to know of the royal order, and through Shaikh Ma'ruf, the Sadr of Bhakkar, bought off all the plaintiffs with money, and sent them to Bhakkar. The next morning, Abul Qasim went to the court and said that the Qadi had made a wrong report : neither any person of Bhakkar had a grudge against him, nor was he ever called to the court. When the Qadi was asked about the matter, he tried to present the plaintiffs but none came forward. From that day it was decided that written petitions of the plaintiffs should be presented to the court."²

The Chief Qadi received appeals from the lower courts of the local qadis.³ The plaintiffs as well as the Qadi, both had

1. 'Abdul Hai was not Qadi-i-Urdu under Akbar, he was Mir Adl. (Akbar Nama, III, p. 682). Faizi Sirhindi, f. 204a. Badauni has given the biography of a Mir 'Abdul Hai, Sadr. Badauni, III, p. 76.

2. Ma'athir-ul-Umara, III, pp. 76-77.

3. Tuzuk-i-Ishangiri, p. 306.

a right to appeal to the Emperor if the case was not decided satisfactorily or was too confused. The Wagai Aimer has recorded a report concerning one, Ganga Ram, a native of Ajmer who appealed to the Emperor that his son-in-law Bhagwan Das, a goldsmith of Dinwara, was beaten to death by Muhammad 'Alam, son of Muhammad 'Arif, the Amir. Further, Muhammad 'Alam did not let the wife of Bhagwan Das (who was the daughter of the plaintiff) to burn herself and took her to his house. The chief Qadi wrote a letter to Iftikhar Khan, the Faujdar, and a letter was written under the order of the Emperor by the Diwan to other officers to make investigations and to report the case. Iftikhar Khan sent a messenger to summon Muhammad 'Alam and the daughter of Ganga Ram. It came to light during the investigation that the daughter of Ganga Ram was suffering from leucoderma and that she had accepted Islam. The daughter of the plaintiff herself confirmed it, and when she removed her shawl it was proved that she was suffering from leucoderma. The matter was reported to the court.¹

In the administration of justice, impartiality was expected and observed as far as possible. The Emperor as well as the officers² generally maintained a high standard of justice and disapproved of discrimination on any ground. Discussing the case of Khwaja Mu'azzam (maternal uncle of Akbar, who murdered his wife

1. Wagai Sarkar Aimer, p. 26.

2. 'Amal-i-Salih, I, pp. 261-2.

The Emperor's impartiality had salutary effect on the officers and they tried to act on the basis of equity and justice.

Abul Fadl remarks : "It is incumbent on the monarch to make no discrimination between friend and foe, relative or stranger when deciding a case. He should give justice to the oppressed."¹

Monserrate writes about Akbar : "The king has the most precise regard for right and justice in the affairs of government."² Jahangir³ has been much praised for his impartiality in matters of justice.

It is said that in matters of punishment Shah Jahan made no distinction between the state officers and common people.⁴ The impartiality of Aurangzeb in matters of administration and punishment is greatly praised by the contemporary writers. He made no discrimination in the application of prescribed canonical punishments (سياست‌داری) between a noble and a beggar; no priority and special favour was shown to the princes over other state officers.⁶

Administration of Justice in the Provinces:

There were two agencies administering justice in the provinces. The provincial governor and the provincial qadi. A governor

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1. Akbar Nama, II, p. 216.
 2. Monserrat, p. 210.
 3. Intikhab-i-Jahangir Shahi, f. 184a.

In his introduction to Jahangir's Memoirs, Rogers writes: "It is a remark of Hallams that the best attribute of Mohammadan princes is a reforming justice in chastising the offences of others. Of this quality Jahangir, in spite of all his weaknesses, had a large share and even to day, he is spoken of with respect by Mohammadan's on account of his love of justice."

4. Lahori, I, p. 139.
5. 'Alamgir Nama, II, p. 1078; Ma'athir-i-Alamgiri, p. 628.
6. Anecdote of Aurangzeb, No. 18, p. 63.

acted on the basis of the delegated power of the Emperor. De Laet's statement that the Governors were given "absolute power of life and death over their subjects,"¹ is wrong. The Mughals never permitted their governors to put any one to death, for any crime. The contemporary chronicles and foreign travellers tell us that the criminals condemned to death were sent to court. Lahori says: "If in any province there is a person found guilty of a crime involving capital punishment (mustahiq-i-'Aqubat), the Nasim of that place does not put him to death without forwarding his case to the court."² De Laet himself says, contradicting his earlier statement: "Capital Punishments is generally inflicted before his (the Emperor's) own eyes, and with great cruelty, whether in the capital city or wherever he is holding his court."³

The Mughal Emperors greatly disapproved of their officers taking law into their own hands. Mirza 'Azis Koka remained indig-
nate for putting a servant to death on his own authority.⁴
Aurangzeb dismissed the Saiyids of Barha for trying to take law
in their own hands.⁵

The religious cases were referred to the qadi. For facili-
tating the administration of Justice in the Provinces, Aurangzeb

1. De Laet, p. 93.

2. Lahori, I, p. 139.

3. De Laet, p. 93.

4. Akbar Nama, III, p. 266.

5. Mu'athir-i-Alamgiri, pp. 366-67.

had the penal code summarised and sent it to the provinces for handy reference.¹

The larger number of the cases had to be decided by the qadis, appointed to each province. It is surprising that, when Akbar divided his Empire into twelve provinces, in his 24th regnal year, and appointed a governor, a Diwan, a Bhakhshi, a Mir 'Adl, a Sadr, a Kotwal, a Mir Bahr and a Waqi' Navis, to every province, no Qadi was appointed.² 'Arif Qandhari only refers to the appointment of Shuhra-i-'Adalat in every place.³ The contemporary chronicles, however, mention Qadi-i-Subah, and his appointment, dismissal and transfer is often mentioned.⁴ An explanation for this omission of the qadi in the list may be that since the appointment of the provincial qadis was not made simultaneously with other appointments, Abul Fadl did not refer to it. In the succeeding reigns that post of the Provincial Qadi continued.⁵ t*

Though the qadis of the provinces, towns and qasbahs were appointed under the seal of the Chief Sadr,⁶ the provincial Qadi a

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1. Mirat-i-Ahmadi, supplt. pp. 277-83.
 2. Akbar Nama, III, p. 413.
 3. 'Arif Qandhari, p. 99.
 4. Badaun'i, III, p. 306; II, p. 210. When Qadi Yaqub, the Chief of Qadi of the realm, lost favour with Akbar, he was demoted to the rank of Qadi of Bengal Province.
 5. Mirat-i-Ahmadi, I, p. 309; supplt. p. 174.
 6. Mirat-i-Ahmadi, supplt. pp. 179, 199, 261.

was not his subordinate.¹ The Provincial Qadi appealed to the Chief Qadi sometimes, but remained independent of his authority. There is no evidence that the Chief Qadi interfered in the working of the lower courts.

The Mughal rulers were anxious to see that the local courts administered even-handed justice and that the people were not

1. Provincial Sadr and Qadis both were appointed under the seal of the Sadr-us-Sudur. But qadi, as a judicial officer had contact with the Chief Qadi of the state, and it would have been difficult for him to serve two masters. The Mughals, who arranged this elaborate system saw to it that the Qadi of the lower jurisdictions was not encumbered by subjugation to any authority (beside their own) far less by two such authorities as the Sadr-us-Sudur and the Qadi-ul-Qudat. So, while they gave the responsibility of appointing the provincial Qadi on their seal to the Sadr (the actual appointment was made by the Emperor himself), the appeals from the provincial and qadis of cities came to the court of Chief Qadi or to the royal court directly.

The Mirat-i-Ahmadi has given a case in which appeal against a Provincial Qadi's behaviour was made to the chief Qadi, by the Sadr of the place. The case was the following: Shaikh Muhiuddin, son of late Qadi 'Abdul Wahhab, was the Sadr, Amin and collector of Jilva and Narkh Navis of Ahmadabad. He, after accepting bribes from grain merchants had fixed the rates very high. When Muhiuddin went to the mosque for Friday prayer the people who had suffered from increased prices of grains started throwing stones at him. Muhiuddin returned home in a bad condition. He reported the incident due to jealousy (as rah-i-hasad) to Shaikh-ul-Islam, the chief Qadi, insinuating that the people did this at the instigation of Khwaja 'Abdullah, the Qadi of the place (nishat achwai mardum ra ba Khwaja Abdullah Qadi-i-haladai guman burda). The Chief Qadi informed the Emperor. The Emperor summoned Khwaja Abdullah to the court in chains and fetters. Mirat. I, p. 309.

This case is very interesting. The question arises whether this complaint was made to the chief Qadi as a senior officer of the Judiciary, or as a relative (he was brother of Muhiuddin) and influential officer at court. Perhaps, Muhiuddin wanted the services of Shaikh-ul-Islam, as his brother and as chief Qadi both. But as Shaikh-ul-Islam was very honest person, he would not have informed the Emperor about the provincial Qadi if he had known that, it was out of Jealousy merely.

inconvenienced by undertaking arduous journeys to the capital for the redressal of their grievances.¹

The Judicial administration in the provinces was carried on the same lines as at the centre. The Qadi held his court in the Dar-ul-Adalat. But he also attended the governor's court, irti called the Diwan. The Emperor was reported on the judicial administration of the provinces by the Wazir Nigar of the provinces. Once Aurangzeb was informed that the Judicial officers of Ahmadabad attended the Mahkamah-i-Adalat of the place only for two days in a week. On Tuesdays and Wednesdays they were in attendance on the Subandar. The remaining three days they were on holiday. Aurangzeb made enquiries about the matter. An order was subsequently sent to Muhammad Hashim, the Diwan, to make the Qadi hold his court on 6 days — Saturday, Sunday, Monday, Tuesday and Thursday. Further, the Qadi was ordered to attend the Subandar on Wednesday. Only Friday was to be a holiday. The Qadi was to hold court from morning (do shari ros) till the Zuhri prayer and redress the grievances according to the rules of the Shari'a.²

1. Lahori, I, p. 160 'Alamsir Nams, p. 107.

در باره داد و حقوق اطراف و اکناف که فصل بدعیات آنها جز در همان سرزمین صورت پذیرفتند متعسر و الا بنظر امان آنها صادر میگردد که بدو روزی و حق کهنی حدی از کذب بازداشته سم را در آنک نماهند و سم دیده را بداد رسانند و الا شخصین را بدرگاه عدل و انصاف تادیر الخلافه انبرآید محطه رایات جگ است پلوسند

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2. Mirat, I, p. 276.

In the sarkars, a Faujdar held his court in the same way as the governor. The Qadi of the place attended his court. The cases concerning religious matters were referred to the Qadi, and he decided them according to the religious law.¹ In his eight regnal year Aurangzeb issued an order to Sardar Khan, the Faujdar of Surath asking him to devote his attention to the welfare of the people of Surath and the adjoining towns, qasbas and villages. Further, he was required to redress the grievances of the people and protect the weak from the strong. Aurangzeb laid down that the Faujdar was to decide cases of the religious nature with the help of Qadi, Mufti and the Mir 'Adl, and the matters of revenue according to the rules and regulations, equity and justice.² Diyanat Beg, Faujdar of ^{some Kanauj Mahals,} was ordered to decide cases with the help of Arbab-i-Adalat.³

Far from the centre, the state officials were inclined to have, their own schedule for holding the Kacheri. Khwaja Beg, the Faujdar of Ramnagar, fixed three days for holding his court, i.e. Saturday, Monday and Wednesday. But the ever-vigilant reporters informed the Emperor of this dereliction of duty.⁴ The local executive officers, sometimes, had no fixed time-schedule for their

1. Hansot Sarkar Alim, pp. 20, 38, 39, Nigar Nama, p. 79.

2. Mirat-i-Ahmadi, I, pp. 256-57.

3. Nigar Nama-i-Munshi, p. 78.

4. Selected Documents of the Daccan, No. 17.

courts, and attended them at their leisure.¹ The Mughal rulers discouraged these whims of their officers.² Sometimes the administrative officers liked to have a free hand in deciding matters and disliked the interference of the qadi. Abul Hasan, the Mutasaddi of Pargana Malpur, took permission to decide cases with the help of the Qadi but did not let the Qadi interfere in judicial matters. Soon the Subahdar was informed by the litigants and the Qadi that Abul Hasan did whatever he liked without referring the cases to the Qadi. The Subahdar reprimanded him.³

The Qadi's court had a separate hagaji Navis who recorded the proceedings which were despatched to the court.⁴ When the Qadi decided the case he had to seal his decisions, a copy of which was then sent to the court.⁵ The news writers of all departments were expected to write truth, nothing but the truth.⁶

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1. Selected Documents of the Deccan, No. 17, 27.
 2. Mirat-i-Ahmadi, 1, p. 275.
 3. Hagaji Sarkar Aimer, pp. 38-39.
 4. Anecdotes of Aurangzeb, No. 70.
 5. Hagaji Sarkar Aimer, p. 20.
 6. Anecdotes of Aurangzeb, No. 115.

CHAPTER IV

NATURE AND ADMINISTRATION OF THE PENAL LAW

Closely connected with the administration of justice is the question of punishment awarded and the nature of the law administered. In spite of the vastness of their Empire, the Mughals¹ successfully protected the weak from the tyranny of the oppressors.¹ But they realised that awarding punishments was one of the most difficult matters for it needed great discernment.²

The Mughals constantly asserted that the punishments should be awarded according to the Shari'at,³ but by a gradual process of evolution, the state laws came to have a force of their own. The royal ordinances, the rules and regulations of government came to be applied more and more in matters of punishment.

Sources of Islamic Law:

According to the Islamic juridical concepts, God is the only legislator and to guide people in the right path, He has shown to

1. Chandre Bhan, pp. 14-16.
2. A'in-i-Akbari, I, p. 164; Mir'at-i-Ahmadi, I, p. 166.
3. Mu'izzat-i-Jahangiri, f. 10b.

سیاست را با عدالت قرآن باید داد
Lahori, I, p. 139. He has used the term: بروقی شریعت عزرا
Muhammad Kazim says that the cases were decided according to:

حکم شرع شریف و فتوی ملت حنفی
'Alamgir Nama, p. 1100. At other place he writes:

قضاای شرعیہ با مشاورہ والا بروقی شریعت عزرا و مطابق ملت ہند
بمقطع و فیصل میر سید -

'Alamgir Nama, pp. 1076-6.

them precepts which are found partly in Qur'an and partly in the sayings and practices of the Prophet, called Sunna. That Path or way is called Shari'ah. The rules there-of are called Ahkam (commandments).¹

As the Qur'an and the Sunna are the principal sources from whence the precepts of the Shari'at have been drawn, so the rules recognised as the principal elements of actual jurisprudence are the subject of 'Ilm-i-Fiqh, or the science of law.

It was not till the middle of the second century of the Hijra that treatises were written on different branches of law, after which six schools (Mazhab) of jurisprudence were formed. The founders (all Imams of the first class) were Abu Hanifa, (A.H. 160), Sufyan al-Thuri (A.H. 161), Malik (A.H. 179), Ash Shafai (A.H. 204) and the Imam Daud Az-Zahiri (A.H. 270). The two sects founded by al-Thuri and az Zahiri became extinct in the eight century of the Hijra. The other four still remain.

The third foundation of the Islamic Law, 'Ilm', is defined as the agreement of the Mutabids of the people (i.e. those who have a right, in virtue of knowledge, to form a judgement of their own). There are three foundations of 'Ilm' : (1) Ittifaq-i-qa'li the unanimous consent expressed in declaration; (2) Ittifaq-i-fa'i

1. Dictionary of Islam, Hughes, p. 198 (ed. 1936).

2. Ibid.

expressed in unanimity of practice; (3) Ittafag-i-Sakuti, when the majority of the Muitahids signify their tacit assent to the opinion of the minority by "silence" or "non-interference."¹

The fourth source of Islamic Law is 'Qiyas', i.e. deduction by analogy. It means deduction of prescriptions from the Qur'an and the Sunna by reasoning and by analogy. After the death of Prophet, the Qur'an and the Sunna naturally became the guides of the community. Due to expansion under the first Caliphs there was growing interest in the theological and juridical speculation and the whole new world, intellectual and material, raised questions previously unknown. Since answers to these new problems could not be found in the Qur'an or in the Sunna, they evolved the institution of qiyas in order to solve their day to day problems.²

There are four conditions of Qiyas: (1) That the precept or the practice upon which it is founded must be of common ('amm) and not of special ('khass) application, (2) the cause of the injunction must be known and understood; (3) the decision must be based upon either the Qur'an the Hadith, or the Ijma'; (4) The decision arrived at must not be contrary to anything declared elsewhere in ^{the} Qur'an and Hadith.³

1. Dictionary of Islam, p. 197.

2. Shorter Encyclopaedia of Islam, p. 266.

3. Dictionary of Islam, p. 482.

Beside these four sources of Law there is another kind of law, ^{'Ada} which found currency in Muslim countries, independent of canon law (Shari'ah), in those judicial cases which are not closely connected with the religious ordinances. The practical validity of this right which often is in disagreement with the theologically established law, divided in many countries the jurisdiction into a spiritual and a secular one. In literature, ^{'Ada} is sometimes replaced by the term 'Urf or Canon.¹

'Adat Law as a term applies to that section of law which covers the legal relation of man in state and society, and with which legal issues are associated.

To facilitate the application of Canon Law in cases coming under this head, the Muslim rulers made two arrangements: (1) appointed judicial officers who were thoroughly conversant with the Shari'at and Fiqh (Qadi, Mufti, Mir 'Adl etc.), (ii) Ordered the compilation of the manuals of Shari'at law. In this connection the achievements of Aurangzeb are unrivalled. He appointed the most qualified and deeply learned lawyers and scholars for this work and paid them from the exchequer; and provided all sorts of facilities for them including the supply of all the available books on Islamic jurisprudence.² The combined efforts of these scholars produced one of the most standard books on Islamic Law —

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1. The Encyclopaedia of Islam, (new edition), V.I, fasc. 33, pp.171. Shorter Encyclopaedia of Islam, pp. 13-14.
 2. Ma'athir-i-Alamsiri, pp. 628-29; Khwafi Khan, II, p. 251.

Fatawa-i-Alamgiri. Beside this tremendous achievement, Aurangzeb sent concise copies of penal code¹ to provincial governors for their help and guidance.

The village panchayats, responsible for most of the litigations in the country, administered the Urfa law consisting of the usages and customs of the territory. The state officers decided the Urfa matters according to the state laws and government regulations.² The matters of revenue were dispensed according to equity, justice and state regulations.³

Punishment:

The punishment is considered in Muslim law either as the right of God (Haq Allah) or as the private right of man (Haq-i-Adam). In the latter case the punishment is applied only at the desire of the injured party (or of the latter's relatives ^{and} heirs). The punishment, e.g. retaliation, is inflicted upon the culprit as the personal right of the plaintiff.⁴ If it seems advisable to the judge he can completely remit the ta'zir, in so far as it concerns the Divine Law, but human right cannot be dropped unless the injured party renounces it.⁵

1. Mir'at-i-Ahmadi, I, pp. 277-83.

2. 'Alamgir Nama, pp. 1200-2.

3. Mir'at-i-Ahmadi, I, pp. 267-68.

4. Ibid., p. 16.

5. Shorter Encyclopaedia of Islam, p. 589.

The punishment established by Islamic Law (Shari'ah) are art of four kinds: (1) Hadd; (2) Qisas; (3) Diya; (4) Ta'sir or Ta'zib.¹ Hadd, i.e. the punishment exactly defined by the law, which may neither be reduced nor augmented, e.g. lapidation, The following belong to this class:

(a) Adultery, zina, for which the adulterer must be stoned, raim (رجم). (Mishkat, book xv. ch.1). When an adulterer is to be stoned to death, he should be carried to a barren place, and the lapidation should be executed, first by the witnesses, then by the Qadi, and afterwards by the by-standers.²

(b) Fornication, zina, for which the guilty persons must receive one hundred stripes. (Qur'an, Surah xxiv, 2). The scourging to be inflicted upon a man standing and upon a woman sitting; and the woman was not to be stripped. It should be done bi with moderation, with a strap or a whip, which has no knot upon it, and the strip should be given not all upon the same part of the body.³

(c) The false accusation of a married person with adultery, qadaf (قذف), for which the offender must receive eighty stripes. (Qur'an, Surah xxiv. 4). This punishment was established by a supposed revelation from heaven, when the Prophet's wife 'Aiyshah,

1. Shorter Encyclopaedia of Islam, p. 150.

2. Dictionary of Islam, p.11; Fatawa-i-Alamgiri, III, pp. 255-60.

3. Dictionary of Islam, pp.130-131; Fatawa-i-Alamgiri, III, pp.250-6.

was accused of improper intimacy with Sufwan Ibn 'l-Mu'attil.
(vide Qur'an, Surah 'n Nur' xxiv, 4). But to those who accuse married¹ persons of adultery and produce not four witnesses, then shall you scourge with four-score stripes. (Medaya, vol. 11, p. 68).

(d) Apostacy, irtidād (ارتداد), which is punished with death, (Mishkat book xiv. ch. v).

(e) Drinking wine, shurb (شرب), for which the offender must receive eighty lashes. (Mishkat, book xv, ch. iv).²

(f) Theft, sariqa (سرقة), which is punished by cutting the right hand (Qur'an, Surah v. 42).

(g) Highway robbery, qata'-ut-Tara (قطع الطرق) : for robbery only, the loss of hands and feet, and for robbery with murder, death, either by sword or crucifixion (Qur'an, surah, v. 37).³

There is prescription in Muslim law books that when the punishment is to be considered as a hadd Allah the transgressor should hide his guilt as much as possible and not to confess it, and even when he does confess it revoke his confession. He should¹⁴ rather turn himself to God in stillness, for God accepts his conversion when his intention is pure. The witnesses too are recommend

1. Fatawai-Alamgiri, III, pp. 286-94.

2. Ibid., III, pp. 284-85.

3. Ibid., III, pp. 302-333.

not to testify to the detriment of the accused, and it is meet that the judge should show the latter all the circumstances extenuating his guilt and the validity of revoking his confession.¹

Only in the case of a punishment established by law (hadd) the judge has no choice and must execute the punishment.²

QISAS (قِيسَاس), lit. "retaliation", is that punishment which although fixed by the law, can be remitted by the person offended against, or in the case of a murdered person, by his heirs.³

1. Qisas can only be applied after definite proof of guilt is brought. It is applicable to cases of murder and of wounding. Qisas is the 'lex talionis' of Moses: "Eye for eye, tooth for tooth, burning for burning, wound for wound, stripe for stripe (Exodus xxi. 24). A free man is to be slain for a free man and a slave for a slave; but according to Abu Hani: a free man is to be slain for the murder of a slave if the slave be the property of another.⁴

11. Of retaliation short of life. "There is retaliation in case wounds." (Qur'an, Surah v.49). If a person willfully strikes off the hand, foot or cut off the nose, retaliation is inflicted in return (for the Eye see Shorter Enc. of Islam, p.481).

1. Shorter Encyclopaedia of Islam, pp. 16-16.

2. Ibid., p. 16.

3. Dictionary of Islam, p. 477.

4. Ibid., p. 481.

there is no Qisas for the tongue or for the virile member.¹

iii. Diya, i.e. blood money, which has to be paid if the plaintiff gives up his right to Qisas, or if retaliation is either impossible or not permitted. For an unlawful slaying, the blood money (diya) is to be paid to the slain person's heirs, for an unlawful wounding which is not fatal, either the full diya or a definite part of it, or an amount defined by the law (arsh), or a percentage of the diya laid down by the judge to the injured person; all this is for a free man. If he is a slave, his value must be made good. If the culprit is a slave, his owner has to pay these contribution for him; he can however escape by handing over the slave.² Women and children are not liable to pay diya.³

iv. Ta'zir or Ta'zib, i.e. the punishment inflicted by the judge (Qadi) at his discretion. According to the fiqh books, ta'zir is inflicted for such transgressions as have no hadd punishment and no kaffara⁴ prescribed for them, whether it is a question of the disobedience of God, such as neglect of five-fold salat or of fasting, or a question of crime against man such as deceit, bearing false witness, etc.

1. Shorter Encyclopaedia of Islam, p. 461.

2. Ibid., p. 262.

3. Dictionary of Islam, p. 482.

4. Kaffara, from kafr, "to hide", Lit. "coverings, atonements, expiations".

The most important condition for the application of Ta'zir is that the delinquent must be in full possession of his mental faculties (akil). The kind and amount of ta'zir is left entirely to the discretion of the judge: he may administer a public reprimand, expose him in public place, banish him, confiscate his property, throw him in prison, or have him whipped. Except in the Maliki school, the number of lashes must not be more than in the hadd punishment. There are very minute and varying rules regarding the administering of lashes in different schools.¹ ^t

The process of trial in ta'zir is simple in contrast to that for hadd. Ta'zir is inflicted on confession which however cannot be withdrawn, or on a statement of two witnesses, one of whom may even be a woman. According to some, it is enough if the judge alone has the knowledge of the transgression.²

Imam Timur Tashi says that chastisement (ta'zir) where it is incurred purely as the right of God, may be inflicted by any person whatever; therefore it is evidently contrary to punishment, since the authority to inflict latter does not appertain to any but to a magistrate or judge. This piece of chastisement is also contrary to the chastisement which is incurred on account of the right of the individual (haq-i-Adami), since that depends on the complaint of the injured party, whence no person can inflict it but the magistrate.³

1. Shorter Encyclopaedia of Islam, p. 689.

2. Ibid.

3. Dictionary of Islam, p. 632.

Qisas:

This sort of punishment was applied to the cases of murder and wounding and the principle was eye for eye and tooth for tooth. But Jahangir abolished the punishment of cutting the nose and ears.¹ As for the death penalty it was given after examining the cases thoroughly. In his twenty seventh regnal year, Akbar, at the suggestion of Mirza 'Aziz Koka, took away the power of awarding capital punishment from the provincial governors.² In cases requiring this extreme punishment the approval of and confirmation by the Emperor was necessary, or in the alternative the case was forwarded to the court. Akbar's successors also maintained this practice.³ Thevenot records, "The king reserves that power to himself and therefore when any man deserves death, a courtier is despatched to know his pleasure, and they fail not to put his order in execution so soon as the courtier comes back."⁴ Muhammad Kazim says the same about Aurangzeb, "None of the princes or noble, responsible for the administration of the provinces and the territories of, the Empire, dare kill a person for fear of questioning and punishment. Those who are punishable (^{مسئول عقوبت} due to some crime, their crime is reported by the bagai ^{نیکار} or the Nāgiri; when the verdict is passed according to the Shari'at by the Emperor, they are put to death."⁵

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1. Tuzuk, I, p. 4; Iqbal Nama also include the eyes with ears and nose which were not to be removed for any crime.
 2. Akbar Nama, III, p. 280
 3. De Laet, p. 93; Lahori, I, p. 139.
 4. Thevenot, III, p. 19.
 5. 'Alamgir Nama, p. 1079.

If any noble inflicted capital punishment on anybody without the approval of the Emperor, he incurred the displeasure of the Emperor. On one such occasion, Mirza 'Aziz Koka had to win over the father of an 'Amil who had died at the hands of his servant, when an inquiry was instituted in the case by the Emperor.¹ In the thirty-seventh year of Aurangzeb's reign when the Saiyids of Barha tried to take law in their hands instead of going to the court, at the death of one of their kinsman, they were severely reprimanded and remained suspended from service for a long time.²

1. Akbar Nama, III, p. 266.

2. Mu'athir-i-Alamsiri, pp. 366-67.

Some cases are available in which the state-officers themselves gave orders for inflicting capital punishment without first consulting the Emperor. This was done in connection with punishments given to confirmed criminals. But the cases may be treated as exceptions. A case of this nature is recorded in Akbar Nama. A man named Qanbar started plundering and looting the places with a party. He also captured Sambhal and Badaun. Though he constantly professed his loyalty to the court, his action did not tally with his verbal professions. Akbar ordered 'Ali Quli Khan Shaibani to send Qanbar to court and if he did not comply with the royal summon he was to be reprimanded. Qanbar gave fight to 'Ali Quli and took shelter in the Badaun fort. Akbar sent Qasim to bring Qanbar to the court with the promise of royal favour; but before his arrival, 'Ali Quli Khan killed him. When the head of Qanbar reached the court, Abul Fadl remarks:

این واقعه بر مایه ندهالت مآثر کران آمد و فرمان عتاب آید به ملی قلی خان
صدر شد که چون اظهار اطاعت می کرد و میخواست که بهلازم آید کلا را

Akbar Nama, II, p. 286. Jahangir has recorded a case in which a person was put to death by Mahabat Khan for disloyalty. During the revolt of Shah Jahan, 'Arif wrote letters to him professing loyalty from himself and his father. The letters fell into the hands of Mahabat Khan. As they were in his own writing, no denials were accepted from 'Arif and he was put to death, his father and brothers were imprisoned. Tuzuk, II, p. 396.

aaaii^

In cases of capital punishment great care was taken to ascertain the truth and to eliminate the possibility of executing the wrong person.¹ Thorough inquiry was instituted and even in the cases which were well known, great care was taken to ascertain the truth. One such case was that of Jhujhar Khan Habshi. When Akbar visited Bagrah, the mother of Chingez Khan lodged a complaint that Jhujhar Khan, a great Amir of Gujarat, had killed her son. "Although it was well known" writes Abul Fazl², and many people in the camp had it on their tongues for precautionary reasons, an order was issued that harmless and truth-loving experienced persons should make enquiry and investigation. The report of the enquiry was to be made to the Emperor." It was only after these investigations that Jhujhar Khan could be punished.²

Apart from enquiry, in such cases witnesses were also examined, and in this examination of witness all details of procedure were minutely and meticulously followed. In a case recorded

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1. Akbar Nama, III, pp. 390-391; Badauni, II, p. 147; Nasir-i-Sarkar Aligarh. In the case of Shah Mansur, the Diwan, who was executed for treachery, though great care was taken at the trial, it came to light later that he was innocent. The charges against him, and the process of his trial is recorded in the contemporary works and illuminate the manner in which the trials were held. When afterwards his innocence came to light, Akbar was greatly grieved. Tabakat, II, p. 547 Badauni, II, pp. 300, 303.
 2. Akbar Nama, III, pp. 4-5; Sirhindi, ff. 80-81; Badauni, II, p. 147. According to some of the authorities, Jhujhar Khan was summoned to the court and charged with murder, and on being questioned he confessed (یہ کہنے جہانگیر خان احرار ہوئے) having committed the murder. Tabakat, III, p. 399; Mu'athir-i-Rahimi, I, p. 787, II, p. 216. As Qissa could only be taken on definite proof care was taken about the testimony, and confession of the criminal was treated as one of the most acceptable testimonies.

in the Wacai' Sarkar Aimer, when in the cross-examination it came to light that the only available witnesses were of doubtful integrity as they did not offer the obligatory prayers, the case was discharged.¹

Even after conviction the Mughal rulers did not make haste in the execution of criminals. Akbar had directed that the criminals were not to be punished until he gave orders for the third time.² Jahangir had ordered that the condemned criminals were not to be executed before sunset, so that the chance of their being pardoned was not lost.³

1. A number of case are available during this period in which the principle of qisas was applied. Jala, a broker's son, was highly trusted and had admission to the court as he carried on trade in horses. He seduced a woman and killed her husband. Pending the inquiry he was kept in prison. When the charge was found to be true, he was given capital punishment (A.D.1682
2. Hoshang, a nephew of Khan-i-'Alam, killed somebody unjustly; he was capitally punished by the royal order.⁵
3. An old widow lodged a complaint against Muqarrab Khan that he

1. Wacai' Sarkar Aimer, p.14, 18-19. In this particular case in which one Naththu was charged with the murder of Huri's husband not only the witnesses were disqualified from giving evidence, the inquiry proved that the husband died not by the injuries inflicted by Naththu but on account of some disease.
2. Tuzuk, pp. 339-40.
3. Monserrate, p. 209.
4. Akbar Nama, III, pp. 390-91.
5. Ma'athir-i-Jahansiri, f. 64a; Tuzuk, p. 333.

retained her daughter forcibly and secretly put her to death, and declared that she died a natural death. As a result of the inquiry and investigation a servant of Muqarrab Khan, who was responsible for the tyranny was put to death, half of the rank of Muqarrab Khan was taken to provide a Madad-i-Ma'ash and travelling allowance (to go back to her place in Cambay) for the old woman.¹

4. Adham Khan Koka murdered Shams Uddin Khan while he was busy in transacting the state business in the Daulat Khana-i-Badshahi. Akbar ordered him to be thrown from the top of the terrace, in retaliation. But according to Abul Fadl, the men did not throw him properly out of consideration and he remained half alive. At the royal order he was thrown a second time and his neck was broken. "In this way that blood-thirsty profligate underwent retribution for his actions."²
5. Shah Abul Ma'ali killed the mother of Mirza Hakim. Sulaiman Mirza of Badakhshan, heard the news and with his army attacked and defeated Abul Ma'ali. Abul Ma'ali was captured alive and was sent to Mirza Hakim, who had him strangled in retribution.³

1. Tuzuk, p. 84.

2. Akbar Nama, II, pp. 176-78; Sirhindi, ff. 22b-23a; Qandhari, pp. 62-63; Ma'athir-i-Rahimi, Bayazid Bayat, pp. 261-62; Tabaqat, I, p. 267.

3. Bayazid Bayat, pp. 284-86; Ma'athir-i-Rahimi, I, p. 718.

6. During the reign of Jahangir, Pahar Khan was put to death in retaliation. Pahar Khan had been given Jalor in succession to his father by Jahangir. As his mother tried to check his bad ways, Pahar Khan killed her. He was brought to the court at Jahangir's order and when his crime was proved he was sentenced to death.¹
7. Farjam Birlas was murdered in the Hall of audience by his sister's son. The nephew was executedⁱⁿ accordance with the qadi's decision.² This incident took place in A.H.1083 A.H./1672 A.D.

Beside murder, the other cases in which the Shari'a had sanctioned capital punishment include apostacy and whoredom after marriage.³ Barani has also included treason and rebellion as offences punishable by death.⁴ A lot of cases in which capital punishment was awarded for treason, revolt and rebellion are available in the contemporary works.

1. Tuzuk, p. 174.

2. Ma'athir-i-Alamsiri, p. 126.

3. Hedayat, p. 178.

4. Fatawa-i-Jahandari, ff. 146b-147a.

The capital punishments for treason and rebellion is included in the political exigencies (السياسة) by Barani, and it was to be granted at the discretion of the King. These cases were of state punishment which came into force more and more under the Mughals and changed the nature of the penal laws.

1. The prisoners captured in the rebellion of Khan-i-Zaman were put to death.¹
2. Muhammad Husain Mirza was put to death after his revolt.²
3. These people who had taken part with Khusrau in the rebellion were hanged.³

1. Badauni, II, p. 101; Tarikh-i-Salatin-i-Chaghta, f. 369b. In this case the Qadi was opposed to the capital punishment as, according to him.

کشتن این جماعت بعد از جنگ --- حسب شرع شریف جائز نیست

In this affair the punishment was awarded in the interest of the state. There is no definite opinion against putting the rebels to death. The death penalty to the disloyal and recalcitrant subject is allowed in the interest of the state. But a controversy exist in connection with the rebels captured alive and prepared to forego the disloyal behaviour (الذين يترددون). Barani says that the king should discriminate between good and capable of reformation (طيبان) and incorrigible people (شريران) while giving punishment. For, often the people are led astray by necessity (ضيق). Even distinction should be made among the bad people (شريران) in matters of punishment for the confirmed trouble-makers and rebels (خالدان) should be punished; but wise and capable of reform to whom the crime is new (طيبان بدوخت البلاد) should not be put to death. Katava-i-Jahandari, ff. 147a, 148a.

The Mughals also regulated the punishments according to the severity of the crime; the innocents were not reprimanded. In the rebellion of Khan-i-Zaman under Akbar.

جایی که در قید بودند و اعدام جرائم و اصابات خساره ایشان را تحقیق

فرموده بعضی را بقتل قرار دادند و جمعی را که در نفاق چندان دخل

نداشتند قلم ظهور افعال ایشان کشیده امان دادند.

Qandhari, p. 96.

2. Zafar Nama-i-Ahmadabad, f. 12. Faizi says Akbar wanted to forgive Muhammad Husain but his nobles asked for his death.
3. Iqbal Nama, pp. 16-17. A person who had been a companion of Khusrau in his rebellion was Sultan Shah, an Afghan. At the punishment of Khusrau's other companions, he was absconding in a mountain valley near Khidrabad; when he was captured later, he was killed by a Shower of arrows (تیر باران) in the field of Lahore. Tusuk, I, p. 66.

4. During Shah Jahan's rebellion, Mahram Khan Khwajasara, Khalil Beg dhul-Qadr and Fidaï Khan, Mir Tuzuk, were accused of corresponding with the rebellious prince. As, on investigation the crime of Khalil Beg and Mahram Khan was proved they were sentenced to death. But Fidaï Khan was reinstated as his disloyalty was not proved.¹
5. Muhammad Momin, a Saiyid, servant of Prince Shahjahan, went over to Prince Pervaz at the instigation of his father-in-law, Sadat Khan. When Jahangir was informed of Muhammad Mumin's arrival he was thrown under elephant's feet.²
6. Sahab Rai, a rebellious Zamindar was reinstated in his Jagir on the promise of loyalty. But he soon revolted and was captured; the offer of one lac hun as blood-money from him was refused and he was trodden under elephant's feet.³

The condemned criminals were executed by the Mir Ghadab⁴ or the chief executioner.⁵ The Mughal executioners were equipped with many instruments of punishments such as leather thongs, whips, bow-strings fitted with sharp spikes of copper, a smooth block of wood used for pounding the criminal's side or crushing his skull

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1. Tuzuk-i-Jahangiri, p. 364; Iqbal Nama, pp. 199-200.
 2. Iqbal Nama, p. 283.
 3. Ma'athir-i-Rahimi, I, pp. 680-81.
 4. Tuzuk, pp. 339-40.
 5. Monserate, p. 206.

to pieces. But these instruments were intends merely to inspire terror rather than for actual use, says Monserrate. Some weapons of this nature were hung up at the palace gate for the same purpose, guarded by the chief executioner.¹

Generally the punishment was carried out in a special place called Siyasat Gah.²

Hadd punishment under the Mughals:

The hadd punishment was awarded after the confession or the proof. The Mughal judiciary tried to conform to it. In ^{the} Wasa'i Sarkar Ameer a case is recorded in which the stolen goods were discovered with a woman Jamoti; and on inquiry she named a copper-smith, Jai Ram, who had given her the stolen property to sell. Pending the inquiry Jay Ram was confined at the Chabutra-i-Kotwali. As the robbery could not be proved on him, the Qadi set him at liberty.³

The same authority gives the case of Juma and Firoz who burgled the houses of a gardener and a washerman, and were caught red-handed and presented in the Mahakma-i-'Adalat. On their own confession the hadd was applied and the right hand of each was cut off.⁴

1. Monserrate, p. 211.

2. Tuzuk, pp. 339-40.

3. Wasa'i Sarkar Ameer, p. 68.

4. Ibid., p. 29.

Other Punishments:

Internment, putting into chains and imprisonment were punishment allowed for state reasons (مساجت جهانداری)¹. Under the Mughals the ordinary criminals were kept in chains.² Temporary confinement at the chabutra-i-Kotwali was common. But mostly those people were confined there whose cases were under investigation.³ The Kotwal appointed his men to guard the prisoners.⁴ The prisoners confined for rebellion and disturbances at the discretion of executive officers were not liberated by the Qadi. Once, when during the reign of Aurangzeb, Qadi 'Abdulla liberated some prisoners at Ahmadabad, the Emperor reprimanded the Diwan and ordered him to see that in future such incidents should not take place.⁵

Jails or Bandi Khana's existed in the Mughal Empire. The Diwan received a report about the condition of the Jails (بندی خانہ)⁶. Monserrate has mentioned the existence of jailors.⁷ De Laet seems to think the Qadi to be the governor of prisons.⁸ Though the Qadi is enjoined to keep an eye on the prisoners and the criminals are confined at his order but he was in no way a jailor or a warden.

1. Fatava-i-Jahandari, ff. 142b.

2. Monserrate, p. 211.

3. Mir'at-i-Ahmadi, I, pp. 277-83.

4. Waqai-i-Sarkar Aimer, p. 224. Generally the Piradas of Kotwali kept guard on the prisoners.

5. Mir'at-i-Ahmadi, I, p.

6. Davabit-i-Alamgiri, ff. 34ab.

7. Monserrate, p. 209.

8. De Laet, p. 94.

Some of the forts in the Mughal Empire were used as prisons for long term sentences or for important persons and princes. Monserrate records, "Princess sentenced to imprisonment are sent to the jails/ at the Goaleries, where they rot away in chain and filth."¹ De Laet writing about Gwalior fort also noted that the noble captives were imprisoned there.² Peter Mundy also remarks, "Here (at Gwalior fort) the king keeps his noblemen prisoners (such as deserve it) from whence they hardly (with difficulty) get³ out again."

Beside Gwalior De Laet mentions two more prisons, "One here (at Gwalior) a second at Rantipore (Ranthumbhor) 40 cos from Gualere, whither are sent nobles who have been condemned to death;The third prison is in the fortress of Rotas (Rohtas), in the province of Bengal whither are sent those condemned⁴ to life-long incarceration. It is very rarely that they escape them."

1. Monserrate, p. 211.

2. De Laet, pp. 35-36.

3. Peter Mundy, II, pp. 61-62. When after his recalcitrant behaviour Mirza 'Aziz Koka fell under Jahangir's displeasure, he was entrusted to 'Asaf Khan to be imprisoned at Gwalior (Tuzuk, pp. 127-8). Murad Baksh was confined at Gwalior at Aurangzeb's order (Khawafi Khan, II p.62). Sulaiman Shikoh was also interned there (Khawafi Khan II, p. 123). When Qadam Yagana Afridi rebelled his brother Harun and son Jalal were also imprisoned at Gwalior (Tuzuk, pp. 167-8).

4. De Laet, pp. 35-36.

Haji Ibrahim Sirhindi was confined at Ranthumbhor when he was found guilty of bribery and oppressing the people during his tenure as Sadr of Gujarat.¹ The wagai' Sarkar Aimer records the sending of forty-one prisoners to Ranthumbhor for confinement.² Mir Abu Turab Ridavi was confined at Rohtas by Jahangir's order.³

The other fortress which served as prison house were Chunar, Juner, Salim-Garh, Biyana etc. Shaikh Ibrahim Baba Afghani who took disciples (شیخی مریدی) was sent to Chunar by Jahangir.⁴ When Dhandhira fort was captured, the Zamindar of that place was sent to the fortress of Juner for confinement at Shah Jahan's order.⁵ Princess Zeb-un-Nisa was sent to the fort of Salim-Garh by Aurangzeb when he came to know that she corresponded with the rebel prince Akbar.⁶ Murad Bakhsh was also confined at Salim Garh for some time.⁷ Pir Khan Sherwani was sent to the fort of Biyana during Akbar's reign.⁸

The Emperor and the Qadi sent the people to prisons for the crimes for which the punishment could be awarded; but, unfortunately no period was fixed for the imprisonment. Discussing the aims and

1. Badaun'i, II, pp. 277-78; Akbar Nama, III, p. 408.

2. wagai' Sarkar Aimer, p. 390.

3. Ma'athir-i-Rahimi, III, pp. 1224-5.

4. Tuzuk, I, p. 36.

5. Lahori, II, p. 235.

6. Ma'athir-i-Alamgiri, p. 204.

7. Khwafi Khan, II, p. 62.

8. Badaun'i, II, p. 28.

objects of this sort of punishment Ibn Hasan remarks, "the object underlying such a punishment can be both detention and reformation, but in the former case there must be some period fixed for it, and in the latter some practical step to reform the prisoner during his term of imprisonment. The lack of one weighed heavily upon the prisoner, while the lack of the other placed in the hands of the executive a most dangerous weapon of oppression."¹

The accession of a new Emperor, some victory, recovery from illness of the king, the princes and princesses were the occasions when the prisoners were set free. Soon after his accession Jahangir released all those "who had been confined for a long time in the forts and prisons."² At the recovery of Jahan Ara in the seventeenth year of Shah Jahan's reign prisoners confined for debts were released and their debts amounting to seven lacs of rupees were paid from the royal treasury.³

The Emperor's visit to different parts of the Empire also provided a most welcome break to these luckless prisoners. While on his/^{way}to the Deccan from Ajmer, Jahangir set free some of the prisoners from the Ranthumbhor fort.⁴ On his return he again paid attention to the internees of the said fort and released all except those confined for murder and from whose release disturbance or

1. Ibn Hasan, p. 336.

2. Tuzuk, p. 6.

3. Lahori, II, p. 365.

4. Tuzuk, p. 170.

calamity was to ensue in the country. The liberated ones were provided expenses and dress of honour.¹

Shah Jahan also paid attention towards the prisoners. He visited the fort of Gwalior and had it rebuilt in the fifth year of his reign. Lahori says : "As it is customary in whichever fort the Emperor stays the condition of the prisoner of that fort is reported to him; the condition of the prisoners of this fort was detailed (مستور), eleven persons who had been in confinement for a long time were set free.²" Even before this, on his previous visit, Shah Jahan had inspected the condition of the prisoners; he personally inquired and investigated their cases, he released all the prisoners except the few who were found unrepentent and so their release was considered undesirable.³

The administration of the Bandi Khanas and Kotwali prisons, at least under Aurangzeb, was haphazard. Reports of the Waqai Nizams available in different archives point to the fact that there was no systematic arrangement for daily ration of the prisoners. The Waqai Sarkar Ajmer contains a report of a Kotwali prison at Ajmer. Here twenty persons were lodged by the Kotwal Intizam Khan. For sometime he gave a quarter seer of flour for each prisoner; but soon he discontinued the supply as it cost one rupee daily. His assertion was that he would not supply the ration

1. Tuzuk, p. 256.

2. Lahori, I, pp. 245-46.

3. Ibid., I, p. 242.

without the permission of Tahawwur Khan, the Faujdar. When this report was forwarded twelve days had passed without food for the prisoners; two of them had lost life of hunger and four others were on the verge of death.¹

If not their food, their clothes were provided either by the prisoners themselves or their relatives. For the indigent prisoners the clothes were supplied from the Bait-ul-Mal at the request of Qadi Muhammad Akram, the Chief Qadi.²

The jailers at Kotwali known as Bandivan received their pay from the Chabutra-i-Kotwali. At Ajmer das were fixed for the Jailers. Two seers of oil for daily lighting purposes was also provided by the Kotwali.³

The treatment meted out to the prisoners was not above criticism. Once a mutiny occurred among the prisoners at Ajmer; some of them broke free and some were captured again. In this confusion some of the warders (Nigah Banan) lost their lives.⁴ The affair was kept a secret. The information acquired by the Wagai Nigar comprised of the following facts : Besides four women, there were one hundred and fifty-two prisoners; suddenly at the Friday prayer-time they broke their chains, killed four of the warders

1. Wagai² - Sarkar Ajmer, p. 435.

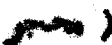
2. Miri'at-i-Ahmadi, I, p. 340.

3. S.D.S.R., p. 118 No. 55.

4. Wagai Sarkar Ajmer, p. 179.

and fled, When chased one hundred and thirty absconders were recaptured; twenty-two could not be traced.¹

Another punishment which was inflicted for political reasons included banishment also.² The Mughals constantly resorted to this sort of punishment. Mirza Ja'far Beg was sent to Bengal by Akbar,³ Shaikh 'Abd-un-Nabi and Mullah 'Abdullah Sultanpuri were exiled to Mecca when they fell under royal displeasure.⁴ When the 'Ulama lost favour with Akbar, they were exiled from their native places and some of them were sent to Bhakkar.⁵

Other punishments inflicted included humiliation, degradation, dismissal, and escheat of property.⁶ This sort of punishment was quite prevalent under the Mughals and was applied to the state officials who fell under royal displeasure by oppression and tyranny. The public degradation was known as Tashhi. The method was that the head of the offender was shaved, a dupatta () was wrapped round him and he was paraded round the city mounted on a donkey.⁷ This punishment was a sort of lesson to others.

All these punishments were thought to be necessary for state reasons. Abul Fadl recommends the removal of the 'instrument of

1. Nasir Barkat Ainak, pp. 185-86.

2. Fatawa-i-Ishbandari, ff. 142b.

3. Ishbal Nama, pp. 4-5.

4. Badai'ni, III, p. 79, II, p. 267; Akhbar-ul-Akhbar, pp. 222-23.

5. Badai'ni, II, pp. 305, 278-79.

6. Fatawa-i-Ishbandari, f. 142a.

7. Ma'athir-i-Ishbandari, f. 36b; Tuzuk, p. 84; Ishbal Nama, p. 44.

wickedness' i.e. the cutting of hands and feet, when all other remedies, like threat and admonition, fail.¹ But the king was expected to be careful in depriving the criminal of his life as "human form is the edifice made by God."²

Some cases are available in which the royal wrath builded up and the criminals were treated more severely and savagely than the law or practice provided. The tongue of Hamzaban was cut for rude behaviour.³ The feet of one of his servants were cut at Akbar's order for taking the shoes of a villager by force.⁴ A Hindu accused of incest was brought before Akbar who consulted Qadi Yaqub, the Qadi-i-Urdu, about the punishment. He replied if the person had been a Muslim he would have been punishable by death; but as he is a Hindu there is some controversy in the verdict. The Emperor ordered for cutting his sex organ. The next day he was executed.⁵

Under Jahangir, Kalyan, the son of Raja Bikramajit, who had seduced a Muslim girl and killed her parents, lost his tongue at Jahangir's order and was put into prison.⁶ Another case of his reign⁷ was of two Kahars who obstructed the royal hunt when Jahangir was aiming; their feet were cut off. Another incident of royal wrath

1. A'in, I, p.6.

2. Ibid., p. 280; Fatawa-i-Jahandari, f. 144b.

3. Akbar Nama, III, p. 29.

4. Ibid., II, p. 157.

5. Tahqiqat (B.De), I, p.436; Ma'athir-i-Rahimi, I, pp. 812-13.

6. Tuzuk, p. 50.

7. Ibid., p. 79.

was of a habitual thief who had lost a hand, right ear, both feet and eyes for different acts of robbery. When he did not give up the crime and was caught red-handed, he was strangle to death¹ by the royal order.

Penal Code of Aurangzeb:

A Farman issued by Aurangzeb to the Dewan of Gujarat, on 6th June 1672, (9 Safar, 10th Regnal year) gives some idea of the Emperor's anxiety about the administration of justice and the² punishments to be inflicted in various crimes. It runs as follows:

"The Emperor has learnt that local officers delay in disposing off the cases of those who are cast into prison on any charges. To prevent imprisonment without just cause and to ensure safety from tyranny the following rules are laid down:

1. The person who has been proved guilty of theft by testimony or by his own confession before the Cadi, the hadd should be applied on him and he should be imprisoned till he repents.

1. Mu'athirai-Ishangiri, f. 63b.
The punishment allotted by Aurangzeb in case of repeated robbery was as follows". If a man has committed theft twice and hadd was applied on both the occasions, and then he committed the theft again and it is proved legally, and he becomes a pick-pocket and this crime is habitually committed by him, then after hadd he should be kept in confinement till he repents. If even after this he is not reformed and commits the offense (again), long term-imprisonment should be given to him."
Mir'at-ul-Ahmedi, I, p. 279.

2. Mir'at-ul-Ahmedi, I, pp. 277-83.
The author of the Mir'at tells us that most of the passages in the copy of the Farman have perished through ravages of time and the damage done by worms, and the text is incorrect; and he copied it after as much corrections as were possible. Sir J.N. Sarkar has given a complete translation of the Farman in his book Mughal Administration. With some changes in expression to bring it closer to the text, I have followed his translation.ⁿ

2. When robbery is rife in a town and a thief is captured, even after the proof, do not behead him or impale him, as it may be the only crime he has committed.
3. If a man has committed theft only once, either less than or only upto the amount of nisab, and it has been legally proved, then he should be chastised. But if he repeats the offence, then after ta'zir, he should be kept in confinement till he repents. If he is not cured by ta'zir and imprisonment, and commits theft again, he should be subjected to long term imprisonment, qiyasat or execution. After legal proof, the property should be returned to the owner if he is present; otherwise the property be kept in the Bait-ul-Mal.
4. If a man has committed theft twice, and hadd was applied on both the occasions, and then he commits theft again and it is proved legally, and he becomes a pickpocket and this crime is habitually committed by him, then after ta'zir he should be kept in confinement till he repents. If even after this he is not reformed, and commits the offence (again), long term imprisonment should be given to him.
5. If a man is arrested for exhuming a corpse, he should be reprimanded and then released. But if he takes to it as a profession he should either be exiled or punished by removal of the hand, whatever is considered as preferable in the opinion of the nazim of the Subah should be acted upon in consultation with the superintendants of justice (mutasaddian-i-'Adalat).

If the crime is repeated a second time and he is captured he should be punished severely. If he again commits the deed, he should be (سجن) given long imprisonment after proof. And the property should be sent to the Qadi to spend it as the Shari'a permits.

6. If a man is convicted of highway robbery before the Qadi, or confesses about the offence with the details required as a condition for the imposition of punishment, the Qadi should carry out the appropriate punishment in his presence. If his crime neither deserves death nor hadd punishment and the Nazim of subah and the officers of justice are in favour of execution, then do him Siyasat.
7. If an arrested chief speaks of his booty as lodged with another man, and it is discovered there, and the man on investigation is proved to be an accomplice in theft, then in the case of this being the first offence of the accomplice, ta'zir him; but if it be habitual with him then after ta'zir imprison him till he is reformed. But if these do not reforms him and he commits the offence again, keep him permanently in prison. The property should be returned to the owner after legal proof, or deposited in the Bait-ul-Mal.
8. On seditious men, who commit dacoity in the houses of the people and do injury to their life and property, siyasat be inflicted after proof.

9. In the case of Grasias¹ and ramindars (of Gujarat) who are habitual robbers and usurpers, and whose death is required in the public interest, after proof Siyasat be inflicted.
10. A (suspected) stranglar, (مقتول) whose act of strangulation has been legally proved should be chastised (ta'zir) and confined till he repents. But if he is habituated to the work and the fact is proved by legal evidence, or if he is well-known to the people and the Governor of the province (for such deeds) or traces of the strangulation and the property of the (murdered) men are found on him, and the Nazim and the officer of 'Adalat feel a strong probability that he is the doer of such deeds, then execute him.
11. If a person suspected of theft, or highway robbery, strangulation, or the felonious killing of people, is arrested and from indications, the Subandar and the officers of 'Adalat consider it most probable that he has often been guilty of (any one of) the deeds then imprison him for the offence. If a person has claim of robbery on him he should resort to the Gadi.

1. Grasias: "The grasias had been shown to be of different sects, casts, or families, viz., 1st, coles and their collateral; 2nd, Rajputs; 3rd Syed Mussalmans; 4th Mole Islams or modern Mahomedans. There are besides many other who enjoy the free usufruct of lands, and permanent emolument from village but those only who are of the four aforesaid like tribes seem entitled by prescriptive custom.....to be called grasias Hobson-Jobson, p. 395.

12. Wicked men, who having set fire to the houses of other people take advantage of the gathering of a crowd to rob the property or who administer dhatura, phang, the nut of nux vomica and such other narcotics to people in order to render them insensible and rob their effects, should after proof, be severely chastised and confined, so that they may repent : If they repeat the offence after having shown penitence and been released do them Siyasat. If any one claims any property found with such men, refer the matter to the Qadi, who will cause it to be restored to the rightful owner on proof and pay compensation for the property burned (out of the malefactors own property).
13. If a body of men rebel, collect material for war, and prepare for it, though they have not yet taken up position (stronghold) for resistance, seize and confine them till they repent. If they have occupied a position for fight, attack and destroy them, slay the wounded and defeated among them. If they do not disperse. But after their dispersion, do not attack or kill them. If any one among them is captured, slay or imprison him. If their party organization is not broken up. whatever property of the party is seized, restore to them after they have repented and you are assured about their future conduct.
14. A counterfeit-coiner for the first time should be released after ta'zir and reprimand (tahdid); but if it be his profession, then after ta'zir detain him in long captivity.

15. If a man buys false coins from a counter-feiter and passes them as good money, after proof, ta'zir him. If he again commits the offence again confine till he repents.
16. Innocent possessors of false coins are not to be punished, but the coins are to be destroyed.
17. If a man pretends to be an alchemist and thus takes away other people's property, ta'zir and confine him till he repents. The property as in 3.
18. If a man deceitfully administers poison to another with fatal effect, ta'zir and imprison till he repents.
19. If a man deceitfully takes another man's wife, son or daughter, then after proof imprison him till he restores the wife to the husband or the child to the parent, or till he dies in prison.
20. For gambling with dice, ta'zir and confinement are the punishments. The professional gamblers should be confined after ta'zir till he repents. For the repetition of the offence long-term imprisonment. Property won to be restored to owner or kept in trust.
21. For selling wine in a city of Islam or a village the offender should be chastised with severe blows. For repetition of the offence, imprisonment till reform.
22. If a man takes a distiller in his service and sells the spirit distilled, then chastise him with blows and confinement, if

he is not a person having entry to the Emperor's Court (ru-shinas). But if he is, then report the case to the Emperor and severely beat and reprimand the distiller.

23. The venders of phang, bura and similar intoxicants should be chastised, and if habitual offenders, kept in prison till they repent.
24. If a man kills another by drowning him in water, throwing him into a well or hurling him down from a hill-top, chastise and imprison him and he should be forced to give (to the heirs of murdered man) the diya or the blood money which the Canon Law lays down. If he repeats the crime, he should be executed.
25. If an adulterer enters another man's house, for committing the offence, severely chastise him and confine him till your mind is composed about his future conduct.
26. If a man falsely accuses another before the governor and thus causes waste of property, he should, on proof be subjected to Sivasat if it be his profession. Otherwise, he should be chastised or confined till he repents. He should pay compensation to those whose property he has wasted.
27. If a dhimmi (male or female) marries a Musalman (male or female) or a Musalman a dhimmi woman other than "the people of the Book" (i.e. Jews and Christians), place the offender before the Qadi to act according to the canon Law.

28. When courtesans, adulterers, sodomites, drinkers of distilled spirits and other intoxicants, whisperers (seducers) apostates, rebels, against Qadi's orders, and female servants and slaves escaped from their masters, take refuge with the mahajians and appeal to the Divani officers in the name of the holy Law, action should be taken according to the order of the Qadi.
29. When murder has been proved against any man according to Holy Law, or is close to certainty, keep the offender in prison and report the facts to the Emperor.
30. If anybody castrates another's son, chastise and imprison him till he repents. If the guardian of the child had any claim, he should resort to the Qadi.
31. If any leader (raia) of schismisties instigates others to innovation in religion (bid'at), and there is strong probability of the spread of the bid'at (heresy) through his instigation, do him siyasat after proof.
32. As for the captive that the fauzdar and the others send to the subahdar, immediately on their arrival, inquire with all diligence into their cases, and if the cases relate to the revenue of the crown-lands deliver them to the revenue officers, urging them to dispose of the cases promptly. Otherwise apply to them any of the above sections that may be appropriate to their respective cases. Once every month inquire into the cases of the prisoners in the Kacheri and the police chabutr &c. release the innocent and urge the quick trial of others.

When a man is brought to the chabutra of the Kotwal (prefect of the city police) under arrest by the kotwal's men or revenue collectors or on accusation by a private complaint, the kotwal should personally investigate the charge against him. If he is found innocent release him immediately. If anybody had a suit against him, tell the former to resort to a court. If there is any case of the Crownland revenue department against him, report the fact to the Subahdar, take a sanad as suggested by him and act accordingly. If Qadi sends a man for detention, take the Qadi's signed order for the authority and keep the man in prison. If the Qadi fixes a date for his trial, send the prisoner to the 'Adalat on the date; otherwise send him there everyday so that this case may be quickly decided.

J.N.Sarkar has given a complete translation of the farman in his book called Mughal Administration. In a foot note he says about the farman that "It gives a good picture of the social manner¹ and judicial ideas of the age." Discussing the farman Wahed Husai remarks, 'The importance of this farman lies in the fact that such an orthodox Emperor as Aurangzeb did not hesitate to issue a farman which contains thirty two sections of his penal code, although many books of fiqh containing penal laws existed in his time, especially the Fatawa-i-'Alamgiri compiled under his order by the renowned Ulamas of his time. It may be presumed that the Emperor must have issued the farman in question in consultation with and without any

1. Mughal Administration, p. 132.

opposition from the Muftis and Qadis of his court. The reason is obvious. The emperor perceived that the penal laws of the Muslim jurists were crude and insufficient and did not meet the requirements of the society.¹

The survey of the penal laws made above clearly bears out that the Mughals realized the need of legislation; and side by side the Canon Laws, the state laws came into force.² The Muslim jurists have realized the necessity of legislation including the government laws (Dharmabit) under the head of 'Urfi or Adat law and given their sanction for it. The Muslim kings in their respective states issued regulations and rules needed for the administration. In India the sultans and Mughals issued farmans and institutes, and made rules and regulations for the guidance of the state and judiciary officers. The existing conception that the Mughal rulers administered the Islamic penal laws only, is wrong.

Discussing the necessity of Qanun-i-Shahi, Wahed Husain remarks: "It may be said that the sultan or the Emperor did not change the religious laws of Islam, but changes were made in secular laws only

1. Wahed Husain, p. 137.

2. The Muslim ruler, be he a caliph or an imam, king or Emperor, has no power of legislation. He is merely to administer law as he finds it detailed in the books of fiqh. This is so in theory; but in practice the Muslim kings and Emperors had constantly issued edicts which were accepted as Qanun-i-Shahi.

This is true to a great extent. But there are instances which go to show that even some of the canon laws (shara') have been either changed or modified. Such changes and modifications are greatly in evidence in the domain of criminal law.¹"

During the period no comprehensive manual of state laws was prepared; but the rules and regulation, and farman of instructions which are available in A'in-i-Akbari, Dawabit-i-Alamgiri, Mir'at-i-Ahmadi and other Dastur-ul-Amala and chronicles of the period are a great contribution of the Mughals.

1. Wahed Hussain, pp. 135-36.

CHAPTER V

THE DIVAN-I-INTISAB: NATURE, SCOPE AND FUNCTIONS

The Divan-i-Intisab was supervised by a muntasib. Unlike the other departments of government, the Divan-i-Intisab was neither very elaborate nor well-organised. Barring the muntasib, the department had no other officer of significance. Some troopers were allotted to each muntasib to help him in the discharge of his duties. The mansabdars and the local officers were generally ordered to strengthen the hands of muntasib in the performance of his duties.¹

During most of the period covered by the reigns of the great Mughals, the department played a very minor role. Under Akbar, the muntasib played second fiddle to the Sadarat.² Though scattered references are found to the existence of muntasib and the functions³ connected with his office, the institution of

1. Alansir Nama, p.392; Mir'at-i-Ahmadi, Suppl. p.174. The books on political theory state that the ruler ought to strengthen the hands of muntasib, so that he could carry on his duty satisfactorily. Riyasat Nama, p.41, Suluk-ul-Muluk, f.68.
2. Bada'uni informs us, when Shaikh Mubarak, the father of Faizi and Abul Fazi was accused of Mahdivism, muntasibs were sent to bring him to the presence of the Sadr-us-Sudur. Bada'uni, II, p.198.
3. Bada'uni has mentioned a muntasib of Lahore (Bada'uni, II, p. 136) he also refers to a party of muntasibs, who invaded the houses of Shaikh Sa'dullah Bani Isra'el while he was with a dancing girl. Bada'uni, III, pp. 63-4.
4. Munsha'at-i-Nasikh, ff. 104-7b.

This collection of documents contains letters of appointment to the post of Mahlasib which give a long list of Muntasib duties. One of the Bilgrami document (in the collection of Research Library Dept of History, I.I.T.) belonging to the reign of Akbar, is about the appointment of a Mahlasib and also his duties.

ihkiasah as an effective organ or instrument of government is never mentioned in the chronicles of Akbar's reign. One of the letters of Shaikh Ahmad Sirhindi, written during the reign of Jahangir is addressed to one Saiyid Muhammad Yaqub, the muhtasib.¹ We know nothing about the organisation of ihkiasah under Shah Jahan. But with Aurangzeb's accession to the throne a new chapter begins² in the history of ihkiasah.

Aurangzeb turned his attention towards the organisation of the institution of Ihkiasah in 1669 only a couple of years after his accession. He decided to be very careful in the appointment of muhtasib and in assigning duties to him. Keenly interested in matters religious, Aurangzeb reorganised Ihkiasah to suppress heresy, uproot innovation and maintain the moral code. The first person to be appointed the chief muhtasib of the state was Mullah 'Ibad Wajih. A contingent of the shadis and of mansabdars was placed at his command. He received a rank of 1000 ghat and 100 sawars.³

The post of the muhtasib continued through-out the reign of Aurangzeb. The Chief muhtasib was also known as the muhtasib-i-'Askar.⁴ Mullah 'Ibad Wajih continued to hold the post upto

1. Maktubat, I, pp. 262-3.

2. Ma'athir-i-'Alamgiri, 528; Mir'at, I, pp. 549-50.

3. 'Alamgir Nama, I, pp. 391-2; Khawafi Khan gives his horse rank as 200, Khawafi Khan, II, p. 80.

4. Ma'athir-i-'Alamgiri, pp. 166-7.

October 1663.¹ His successor Khwaja Qadir occupied the post till his death in October 1666.² The next Muhtasib, Muhammad Zahid, son of Qadi Muhammad Aslam, the chief Qadi of Shah Jahan, was appointed in 1666.³ He was succeeded by Qadi Hussain Jaunpuri in 1668-9. After his death in 1670-1, Saiyid Amjad Khan, the son of Mir Saiyid Kananji was appointed the muhtasib of the Imperial camp.⁴ He continued to perform his duties till the end of ~~1671~~⁵ Aurangzeb's reign.⁶

Aurangzeb appointed muhtasibs in all parts of the Empire. The 'Alamgir Nama' mentions the appointment of muhtasibs at the capital, all the cities and districts (Atraf) of the Empire.⁶ The contemporary Waqai' and chronicles testify to the existence of the muhtasib of towns, Paraganas, Qasbas⁷ and Sarkars. Saiyid Baqar was the muhtasib of Baloda-i-Jodhpur.⁸ He served in the capacity of muhtasib for the Ajmer Sarkar also.⁹ Rahmat Ullah acted as the

n

1. 'Alamgir Nama', p. 840.

2. Ibid., p. 916.

3. 'Alamgir Nama', p. 916; Ma'athir-i-'Alamsiri, p. 61.

4. Ma'athir-ul-'Alamsiri, p. 94.

5. Ma'athir-ul-Umara, III, p. 608.

6. 'Alamgir Nama', pp. 1077-8.

7. Mir'at, Suppl. p. 174.

8. Waqai' Sarkar Ajmer, pp. 188-90.

9. Ibid., pp. 304-5.

muhtasib of Anber.¹ One Saiyid Baqar was muhtasib of Baldan-
Ahmadabad.² Shaikh Muhammad Sa'id worked in the capacity of
muhtasib for Aurangabad.³ Shaikh Nur-ul-Haq was appointed
muhtasib of Ahmadabad in 1108/1696.⁴ In 1672 Qadi Muhammad
Sharif was acting as the Qadi and muhtasib of the town of Patan.⁵
In 1696 A.D. 'Abdul Ghani was appointed to that town.⁶

Of the Sarkar muhtasibs we know very few names. 'Ibadullah
was the muhtasib of Sarkar Ranthumbhor in circa 1678-9.⁷ About
the same period Hafiz Muhammad Muqim was serving as the muhtasib
and mutawalli of the mosques of the Sarkar of Nagor.⁸

The appointment of a muhtasib to Pargana Keb, Doab Sindh,
has been recorded in the Nisak Nama.⁹ Faiz Ullah has been referred
to as the muhtasib of the pargana Sanbhar.¹⁰ Muhammad Fadil was

-
1. Nasai' Sarkar Aimer, p. 266.
 2. Mir'at, I, p. 291.
 3. Selected Nasai' of the Densau, p. 32.
 4. Mir'at, I, p. 336.
 5. Ibid., I, p. 290.
 6. Ibid., I, p. 329.
 7. Nasai' Sarkar Aimer, pp. 239-40.
 8. Ibid., p. 216.
 9. Nisak Nama, pp. 145-9.
 10. Nasai' Sarkar Aimer, p. 33.

serving as the mukhtasib of the environs of Ajmer about 1678-9 A.D.¹

Towns, paraganas and sarkars apart, mukhtasib was appointed to every place having a Muslim population.² Sometimes the representative of the reporter (Waqai' Navis) drew the attention of the state to the place which needed a mukhtasib.³ In the newly conquered territories, a mukhtasib was also appointed with other administrative officers.⁴

The chief mukhtasib was appointed by the Emperor himself.⁵ The town and Qasba mukhtasibs were appointed by the royal sanad at the representation of the Chief Sadr. His appointment letter was sealed by the Sadr-us-Sudur.⁶

SALARY AND MANSAB

The mukhtasib had no fixed salary. Mulla 'Iwad Wajih at his appointment to the post of the mukhtasib received a rank of 1000 ahat and 100 savar.⁷ That rank the other chief mukhtasibs received is not mentioned in the chronicles.

1. Waqai' Sarkar Ajmer, p. 20.

2. Ibid., p. 46.

3. Ibid.

4. Ma'athir-i-'Alamgiri, p. 284.

After the conquest of Bijapur, when different officers were appointed to administer it, Muhtammad Fadil was appointed Mukhtasib of the place.

5. 'Alamgir Nama, p. 392; Khawafi Khan, II, p. 80.

6. Mir'at, Suppl. p. 174.

7. 'Alamgir Nama, p. 392.

About the Muhtasibs appointed in towns and Parganas we are told that each one of them was given a rank of 250 dhat and ten sawars in lieu of service.¹ Probably this rank was not granted to all, for Saiyid Baqar the Muhtasib of Balda-i-Jodhpur was merely a shahar bisti (commander of eighty), one of his officers, Mir Kul, had a rank of 50 only.²

Like the Qadi, the pargana Muhtasib also received land and cash on condition of service according to his jurisdiction.³ Some documents and chronicles have mentioned individual salaries of some of the Muhtasibs. The Muhtasib of Pargana-i-Keb, in the Sindh Doab, received 4 annas per diem from the Pargana treasury.⁴ Muhammad Fadil, the Muhtasib of the environs of Ajmer received Rs. 1 annas 8 daily in lieu of his services.⁵

Saiyid Baqar, who was appointed to the town of Ahmadabad in 1676 received Rs. 25 monthly from the Khairat langar and Rs. 18 from the town treasury for six footmen.⁶ All these individual cases point to the fact that though some sort of rule existed for estimating the salary of the officers there were exceptions

1. Mir'at, Suppl. p. 174.

2. Waqai' Sarkar Ajmer, p. 183.

3. Mir'at, Suppl. p. 174.

4. Nisar Nama, pp. 148-9.

5. Waqai' Sarkar Ajmer, p. 46.

6. Mir'at, I, p. 291.

(This is a unique case in which a Muhtasab was to receive his salary from the Khairat funds.)

also. Payments were made to them in all the three forms — cash, land and mansab.

As the Muhtasib had a difficult duty to perform, he was given troopers to help him. The help was needed as he had to keep an eye on the morals of the people, apply corrective measures and punishments.¹ The author of the Mir'at says "He (the town Muhtasib) should be given a force of footmen and riders by the Nasim of the province to help him in establishing the shar'i commandments of Amr o Nawah".²

When Mullah 'Iwad Wajih was appointed chief Muhtasib by Aurangzeb, many mansabdars and shadis were put at his disposal to help and cooperate with him in putting down those who disobeyed or discarded the laws of ihitash.³ Saiyid Baqar had a party of men to assist him.⁴

In times of emergency a Muhtasib could apply for assistance to the local administrative officers. Faiz Ullah, the Muhtasib of Sambhar could not perform his duty due to the lack of assistance and he informed the chief Qadi accordingly. At the King's order, the Qadi-ul-Qudat wrote a sanad for him to the fanidar of the pargana to appoint five footmen for his assistance.⁵

1. Ibn Khaldun, I, p. 462.

2. Mir'at, Suppl. p. 174.

3. 'Alamgir Nama, p. 392; Khwafi Khan, II, p. 80.

4. Baqai' Sarkar Ameer, p. 223-4, 188-90.

5. Ibid, p. 33.

In 1672 an order was issued to the Divan of Ahmadabad and 'Amdat-ul Mulk Amin Khan to appoint footmen to help Muhammad Sharif in establishing the laws of Shari'at.¹

The appointment letter of the Mutasib bore instructions to local officers to help him in his duties.²

DUTIES OF MUTASIB

The Mutasib had to perform duties of a varied nature. His functions included works of both religious and secular nature. As a religious officer he had to enforce the Islamic code of Amr o Nahi.³ Besides he was expected to perform such functions as:⁴

- a. Extinction of sins and sinners.
- b. Prohibition of wine and intoxicants (خمر).
- c. Breaking of the vessels (of wine) and musical instruments.
- d. Admonition of innovators.
- e. Uprooting of unlawful ceremonies.
- f. Establishment of congregational prayer on Fridays.

1. Mir'at, I, p. 290.

2. Munsha'at-i-Nankin, ff. 104a-106b.

3. Suluk-ul-Muluk, f. 66a.

⁴Command to do good (Amr-i-Ma'ruf) means ordering to do the obligatory commands of religion; forbidding things condemned (Nahi Munkar) signifies restraining people from things declared unlawful (haram) and improper (makruh).

4. Munsha'at-i-Nankin, f. 104-106; Nisat Nama, pp. 148-9. Mir'at, Suppl. p. 174.

- g. Making people interested in prayer and worship.
- h. Putting down debauchery.

The Hidayat-ul-Gawani states that since/ large number of Muslims do not know the tenets of their religion and method of religious worship, it is the duty of a muntasib to instruct them.¹ If they disobey, he should, by degrees, i.e. tactfully and without inciting opposition, bring them to conform with the religious precepts. He should not make haste in punishing a defaulter.²

The Mughal rulers constantly issued ordinances forbidding the use of wine and games of chance, like gambling.³ From Babur to Aurangzeb every Mughal ruler required his officers to exhort people to abstain from drinking, brewing and selling wine.⁴ Beside wine, other intoxicants and drugs were also forbidden.⁵ Aurangzeb stopped the cultivation of bhanga, on account of its intoxicating properties.⁶ Muhammad Rahim, the Kotwal of Jodhpur, gave strict warning to the sellers of wine. Saiyid Baqar muntasib, kept

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1. Hidayat-ul-Gawani, ff. 20-21.
 2. Suluk-ul-Muluk, f. 56b. The books on political theory have given eight stages of ihtisab. Beating the offender is allowed only in the seventh stage, i.e. in the extreme case, as injuring (isa) the Muslims is illegal (haram).
 3. Babur Nama, (Beveridge), II, p. 656. A'in, I, p. 227; Tuzuk, p. 76. Mir'at, I, p. 260-1. Amal-i-Salih, I, 617-618.
 4. Munsha'at-i-Nasir, ff. 104-6; Tuzuk, p. 76; Mir'at, I, pp. 260-1
 5. Mir'at, I, pp. 260-61.
 6. Ibid., I, p. 247.

merchants of the qasbs in custody for three days till they produced they signed guarantees¹ for ^{abstaining} abstaining from the sale of bhang and other intoxicants.

The mubtasib had to face great difficulty in performing the duties of his office in the Rajput states² as wine and drugs were very popular in that region.³ Muhammad Fadil had to break wine vessels in the market place at Raj Nagar as a warning to others; and the Kassai Nawis had to write to the representatives of the Raja to put an end to this flagrant abuse of the royal ordinances.

Sometimes the mubtasib was also made the mutawalli of the mosques in his jurisdiction. In this capacity he had to report the condition of the mosques, the necessity of appointing the Imam, caller (mu'adhdhin), and such other persons.⁴

According to the report of 'Ibad Ullah, the mutawalli and mubtasib of Sarkar Ranthumbhor, the condition of the mosques in

1. Kassai Sarkar Ameer, p. 183.

2. The rules of Intisab are applicable on Muslims only. It is not applied on the non-Muslims. Suluk-ul-Muluk, f. 56a. In the Mughal period the mubtasib took action against the Hindus only in matters which had become a state affair by royal ordinance; such was the case of wine and intoxicants which were banned by the state.

3. Kassai Sarkar Ameer, pp. 63, 20, 239-40.

4. Ibid., p. 216.

the Qasba of Sivipur was very bad, as these were utilised for purposes other than for prayer. The one built by Muhammad Salih, the Barori of Mahabat Khan, was partly used for a sweet shop and a part of it was appropriated by some officials of the Raja of Sivipur. The sanitary water passed in front of it. The old Jama' mosque was occupied by Mallu Singh Kotwal, who spent his nights and days there in drunken debauchery. The third mosque which was built by Iardi Beg Khan near the fort of Har Nath Singh was converted into a guest house by the gumashtas of Raja Monohar Das of Sivipur. The Muhtasib tried to attract the attention of the Qadi, but out of the fear of the Rajputs, he did not do anything. The Kasai¹ Navis of the Sarkar neglected the affair. So the News writer of the province was approached to report the matter to the court.¹

But from these two cases we cannot assume that the Muhtasib was always invested with the duty of Mutavallishah of mosques. Unlike the Sultanate period the Muhtasib and Qadi were rarely entrusted to the same person under the Mughals, and that in small jurisdictions only.²

Aurangzeb forbade the construction of new temples and the repair of old ones.³ Some of the temples had been utilised as

1. Kasai Sarkar Ameer, pp. 239-40.

2. Dur-ul-Mulum, f. 138b.

3. Benares Farnan, JASB, 1911, p. 689.

schools for imparting religious instruction by the Brahmins. Sometimes the Muslims also were attracted to them. When Aurangzeb was informed about the attendance of Muslims in Hindu schools of Benaras and Thatta he ordered the destruction of the schools and temples of Hindus.¹ Even then new temples were constructed.² Sometimes the work of temple destruction was entrusted to the Mubtasib.³

The secular duties of the mubtasib embraced his municipal functions and market supervision. The municipal side of his duty constituted itself in safeguarding the interest of the people, including the following functions:⁴

1. Enforcement of regulations regarding removal of obstruction from roads.
2. Demolition of buildings likely to collapse and cause loss of lives.
3. Prevention of teachers from beating the students too much.
4. Forbidding porters and boatmen to carry too heavy loads.
5. Making the dilatory debtors pay what they owe, if they had the capacity to do so.

2. Nagai' Sarkar Ameer, p. 215.

1. Ma'athir-ol-'Alamiri, p. 81.

3. Khawafi Khan, II, pp. 368-9.

4. Ibn Khaldun, I, pp. 462-3.

The supervision of markets included detection of fraud and deception in connection with food and other things and in connection with weights and measures.¹ It means that the mubtasib had to guard the purity of food and standardise weights and measures. The second part of his duty was by no means easy; there was a multiplicity of yardsticks, Akbar had standardised the yard measure.² But it was very difficult to make the merchants and traders conform to the standard weights and measures. Sometimes the mubtasib had to be very persistent to make the traders use the iron yardstick and weights bearing his stamp.³ The mubtasib also kept eye on the currency to see that no coins of deficient weight were in circulation. Once when such situation arose at Jodhpur, the mubtasib ordered the shopkeepers to replace the under-weight palaisi Sivah by the coins of standard weight.⁴

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1. Iron Khawand, I, pp. 462-3.

1. The Sivast Nama state, that every city ought to have a mubtasib to maintain correct rates (of thing) and balances. He should keep an eye on the trade to keep it in the bounds of honesty. He should be careful in matters of imports to save them from mis-appropriation. Sivast Nama, p. 41.

2. A'in, I, p. 236. In India many measures were prevalent and in the words of Abul Fadl, "His Majesty in his wisdom seeing that variety of measures was a source of inconvenience to his subjects, and regarding it as subservient only to the dishonest abolished them all and brought a medium gas of 41 digits into general use. He named it the Ilahi gas and it is employed by the public for all purposes."

3. Wagail' Sarkar Ameer, p. 188.

4. Palaisi Sivah: The author of Mir'at tells us that as the silver was scarce, the Gold smiths (Sarrat) of Ahmadabad, coined Palaisi Sivah of iron and sold it at high rates. Mir'at, I, p. 236. The traders were using the same coins and the mubtasib checked them as they were light. He wanted them to make good the deficit. The shop-keepers instead of complying with mubtasib's demand went on strike. The Fanidar had to send the Kotwal to pacify them. Wagail' Sarkar Ameer, p. 189.

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He could punish and admonish merchants guilty of using light weights.¹ But imprisonment of defaulters did not lie in his jurisdiction; if he interned anyone on his own authority he was considered presumptive.²

Another important function of a Muhtasib in connection with his market duties concerned the fixation of the prices of things (Tashkhis-i-Narkh).³ In one of the Manshurs, quoted by Hamkin, it has been emphasized that every day the market people, both Hindu and Muslim, present themselves in the Dar-ul-Qada and give a list of the prices of goods in which they deal. The Muhtasib was to prepare the price-schedule (Qimat Nama) according to it and include it in the diary submitted to the office.⁴

All these duties made the jurisdiction of the Muhtasib very large and flexible. Sometimes he misused his authority to

1. Shukr-ul-Muluk, f. 57ab.

2. Kasai' Sarkar Ameer, pp. 222-24.

3. Nisar Nama, p. 148-9. Selected Kasai' of Deccan, p. 32. Maliknada includes the estimate of the prices of grains (Tashkhis-i-Narkh-i-Ainag) in the Muhtasib's duties.

4. Mansha'at-i-Hamkin, ff. 104-6.

Tadhkirat-ul-Muluk has given Muhtasib's duty in connection with the fixation of prices of things. According to the author of the Tadhkira, the Muhtasib after personally confirming the accuracy of the prices'schedule, prepared by the Sabahnama on the basis of the understaking (iltizam) given by the elders of each guild sealed the document and forwarded it to the Maktaba-i-Buyutat. Tadhkirat-ul-Muluk, ff. 80-81.

extort money from the shop-keepers and other people. The Waghai Ajmar contains many incidents of the dishonesty and misuse of authority by Saiyid Baqar Muhtasib. The shop-keepers of Qasba Mirta had to pay as 10 per shop to gain his indulgence in matters of deficient weights and measures.¹ He imprisoned a milk-man in his own house on the charge of using light weights.²

In the performance of his duties, the Muhtasib is forbidden against indulging in prying into the affairs of others.³ It is not under his jurisdiction to enter people's houses and invade their privacy even if they are doing something contrary to the Shari'at.⁴ Bada'uni has quoted an incident of Shaikh Sa'd Ullah Bani Isra'il in whose case the Muhtasib had proved very vigilant and zealous in performance of their duties. It is related that one night when Shaikh Sa'd Ullah was with a dancing girl, a party of Muhtasibs together with some students of the Shaikh entered his house by climbing over the wall. They broke all the partitions of unlawful pleasure and were going to punish him, when he

1. Waghai Sarkar Ajmar, p. 252-3.

The merchants were constantly reminded to use standard and uniform yard-sticks and weights; but as is common they used light weights. It was but natural that the Muhtasib should check them. But Saiyid Baqar, after forcibly making the shop-keepers pay him winked over their fraud. This action of an officer incharge of anti-corruption campaign was condemned by everybody.

2. Waghai Sarkar Ajmar, pp. 253-4.

3. Sulukan-ul-Muluk, f. 56a.

4. Sulukan-ul-Muluk, f. 58ab. The story of Caliph 'Umar is quoted who indulged in undue curiosity and entered a house without permission, and was censured for it by the defaulter himself.

Saiyid Baqar was so presumptuous as to interfere with the qawwals of the shrine of Khwaja Mu'in Uddin Chishti. He had them brought enchained from their houses and put them in prison with the avowed purpose of extorting from them a written undertaking that they would not indulge in singing, either at the shrine or any other place. But the qawwals refused to comply with his orders as their hazifa depended on their profession. When the Saliada Nashin, Saiyid Muhammad, came to know of the matter, he sent a message to the Muhtasib to the effect that the Chishti saints were fond of music and Aurangzeb had ordered Saiyid Amjad, the Chief Muhtasib to show indulgence towards the qawwals and sufis of the shrine of Khwaja Muinuddin Chishti. Further, when Aurangzeb circumambulated the shrine, he did not object to the singing of the qawwals. But all these examples and persuasions failed to convince Saiyid Baqar, who did not release the qawwals until they gave an undertaking that they would not sing qawwali even at the shrine.¹

Individual cases of tyranny apart, the Muhtasib was not vested with judicial powers. "His authority says Ibn Khaldun," is not restricted to cases of quarrel or complaint, but he has to look after, and rule on every thing of the sort that comes to his knowledge or is reported to him." But he is not to concern

1. Nasai' Barkat Alim, pp. 304-5.

himself with the cases requiring hearing of evidence or a legal verdict which fall in the jurisdiction of the qadi.¹

Sir Jadu Nath Sarkar calls the muntasib "the censor of Public Morals"; but that he was more than a mere censor is borne out by the list of his duties. The portrait of a muntasib in action drawn by him is too ridiculous to be true. He has exaggerated his idea of a censor of public morals. Sarkar writes: "He (muntasib) used to go through the streets with a party of soldiers, demolishing and plundering liquor shops, distilleries and gambling dens, wherever he found them; breaking with blows the pots and pans for preparing bhang and enforcing the strict observance of the religious rites, on the part of Muhamadan population. Sometimes his retainers had armed conflicts with bold sinners who showed fight. The demolition of newly built temples was one of this officer's duties."² It is true that the muntasib's duties included the breaking of the pertinences to unlawful pleasure, but rarely the occasion called for him to perform it. The only incident of breaking of the vessels of wine that I came across occurred in the Rajput state of Raj Singh, where the prohibitory regulations were openly flouted. Muhammad Yadil, the muntasib had to break some wine vessels from some Wandis in the market place as a warning to others.³

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1. Ibn Khaldun, I, pp. 62-3.

2. Mughal Administration, p. 31; Sarkar's opinions are mostly based on the exaggerated accounts (based on rumour and hearsay) of foreign travellers and are mostly prejudiced.

3. Waghai Sarkar Ameer, p. 20.

4. Sharma, p. 62-3.

Mr. Sri Ram Sharma acknowledging the secular and religious character of Muhtasib's duties claims that his ecclesiastical functions predominated. According to him, a Muhtasib's duties included the observance of punitive law against the Hindus as promulgated by Aurangzeb. Putting down of public worship by the Hindus, closing down some of their shrines, prevention of celebration of Holi and Dipavali.¹ But these could have been never included in his ecclesiastical functions, as in his religious capacity the Muhtasib was concerned with his co-religionists only. As a secular officer he could do worse than observe the punitive laws against Hindus because there were no special laws for the followers of any sect and religion. It is wrong to assume that the celebration of Hindu festivals was stopped, as what was restricted was the public jollity at these occasions when the people used foul language in drunken orgy, and used other people's wood without permission for holi. In the same manner, the ban against Muharram procession was passed after a conflict of two rival procession on one occasion.²

MUHTASIB AND KOTWAL

The jurisdiction of the Muhtasib clashed with that of the Kotwal in more respect than one. His market and municipal duties came in direct conflict with the police function of Kotwal.

1. Sharma, pp. 52-3.

2. Khawafi Khan, II, p. 214.

As incharge of city administration the Kotwal was expected to perform the following duties:

1. To keep the register of the houses and frequented roads, and engage the citizens in a pledge of reciprocal assistance, binding them to common participation of weal and woe.
2. To form a quarter by the union of a number of habitations, and appoint one of his intelligent subordinates for its superintendence, and receive a daily report under his seal of those who enter or leave it and of whatever events occur there.
3. To establish a separate Sarai for the strangers.
4. To remove grievances and forbid anyone from forcibly entering the houses of others.
5. To prohibit people from leaving and entering the city, when the night was a little advanced.
6. To see to the open thoroughfares of streets and erect barriers at the entrances and secure freedom from defilement.
7. To restrain people from making, disposing, buying or selling wine.
8. To see that a woman is not made to be burnt against her inclination; and that a criminal deserving death is not impaled.
9. To see that weights and the balances are standardised; the seer should neither be less nor in excess of 30 dams; and the yard as it is fixed neither be lengthened nor shortened.
10. To see that separate ferries and wells are built for men and women.
11. To see that women are not allowed to ride on the horses.

The Hidayat-ul-Cawani has given some more duties of the Kotwal. It states that the Kotwal should bind the prostitutes and the sellers of wine and alcohols that if they would earn

1. A'in, I, p. 227.

their living through prohibited means, they would have to pay money in fine.¹

It is clear from this list of the duties of the Kotwal that many of his duties were a replica of those performed by the Muhtasib from the early days of Islam.² If these two officers came into clash it was but natural.³ But it is surprising that the cases of conflict were so few and far between.

MUHTASIB AND QADI

By the nature and affinity of their duties the posts of Muhtasib and Qadi were rather allied. According to Ibn Khaldun the position of Muhtasib was subordinate to the office of the judge. He writes "In many dynasties, such as the dynasties of the 'Ubaydid (Fatimid) in Egypt and in the Maghrib and of the Umayyads in Spain, (the office of Muhtasib) fell under the general jurisdiction of the judge, who could appoint any one to the office at his discretion. Then, when the position of the ruler became

1. Hidayat-ullah-Samirani, ff. 21-2.

2. Akbar-us-Sultania, p. 497-99; Ibn Khaldun, pp. 462-3. Dr. Zahir Uddin Siddiqi seems to think that it was Muhtasib whose office was introduced later and that it were originally the functions of Kotwal which later became associated with the Muhtasib, without there being any clear definition of duties and power of these two officers (The Muhtasib Under Aurangzeb, HR, Vol.V, No.1). But infact the case was the other way round.

3. Waghai Sarker Ameer, pp. 189-90.

separate from the Caliphate, and when (the ruler) took general charge of the political matters, the office of the market supervisor (Muhtasib) became one of the royal positions and a separate office.¹

Al Mawardi says that the Intisab institution lies half way between Judiciary (Mahkama-i-Qada) and Mahkama-i-Nazariya. The Muhtasib and the Qadi both had judicial functions; but Muhtasib had authority of reprimanding the defaulter and the Qadi had only the power of passing the judgement.² The former dealt with three type of cases (a) concerning weights and measures (b) cases of food adulteration (c) of debts (in which the debtors inspite the capacity to pay, made delays). Infact the cases of open infringement of Shari'at law, and those concerning his municipal and market duties, needing no inquiry and evidence were his responsibility. He could chastise and punish the offender. But the Qadi has to know all the pros and cons of a case, hear witnesses, (if need be) make inquiry and then pass judgement.³ In a nutshell the Qadi was a judge while the Muhtasib was an executive authority.

It was but natural that the Muhtasibs of smaller jurisdiction should work under the orders of the Chief Muhtasib. But there was no regular hierarchy of the Muhtasibs. Under Akbar

1. Ibn Khaldun, pp. 462-3.

2. Ibn Khaldun, I, pp. 462-3.

3. Akhbar-us-Sultania, pp. 601-3.

they were working as organs of Sadarat. Under his ^{immediate} successors the Intisab organisation was not worth mentioning. When Aurangzeb reorganised and rejuvenated it the Chief Mukhtasib was not entrusted the responsibility of the organisation. The Sadr continued to appoint Mukhtasibs of smaller jurisdiction with other officers of Sadarat and Qada. But when the judiciary became a department of significance under Aurangzeb, the Mukhtasib of smaller jurisdiction reported their needs to the chief Qadi and not to the chief Mukhtasib.¹

Thus it appears that the local Mukhtasib though independent of the control of the Chief Sadr, and the Chief Mukhtasib had some contact with the qadi. But it was not governed by any of the three religious leaders. It appears from the Kasbi ^{Sarkar} Ain, that a local Mukhtasib was expected to work in harmony with the Kohval and qadi of the place in a subordinate position to the Sanidar. If a Mukhtasib tried to overstep the bounds of his authority, it was not appreciated by the Sanidar and endangered the harmony of the administration.²

INTISAB AND MUGHAL EMPERORS

The early years of Akbar's reign saw the revival of the campaign against innovators, heretics and schismatics^m started under Sikandar Lodi. Shaikh 'Abd-us-Nabi and Maulana 'Abdulla

1. Kasbi 'Sarkar Ain', p. 218; Miz'at, I, p. 218.

2. Kasbi 'Sarkar Ain', pp. 188-90; 198, 199, 223-4.

Sultanpuri took it upon themselves to stem out the ^aMahdivis, blasphemers/schismatics¹. But this campaign of persecution was doomed to failure by the mutual conflict of the two leaders of the campaigns and their own bigotry¹. Soon the narrow-mindedness of the Court 'Ulama and their party politics alienated Akbar's sympathies from the religious leaders and he decided on the policy of Sulh-i-Kul², with a place for all and sundry who had talents, in his government irrespective of their faith and belief. In consonance with this policy the reforms which he introduced aimed at the well being of all his subjects, as his ordinance against Sati³, allotment of a separate quarter, Shaitannara, outside the city to the prostitutes⁴, regulations against wine and intoxicant etc.⁵. How much of these duties were allotted to the Mansabdar is not clear from the contemporary accounts, but the Kotwal had to shoulder many of the responsibilities as is clearly indicated by Abul Fadl.

1. Bada'uni, III, p. 79-83.

2. Akbar Nama, III, p. 293

3. A'in, I, p. 227. Abul Fadl states that no woman was to be burnt against her inclination. But Badauni says that Sati was not to take place if the marriage had not been consummated Bada'uni, II, p. 336.

4. An special officer was appointed for the locality, to take down names of the people who visited these women or wanted to take them home. Akbar ordered that all women of loose character to be sent to this quarter. Badauni, II, p. 302, 380.

5. Unlike other sovereigns, Akbar did not put ban on the complete use of wine. He established licence shops of wine and fixed the price of liquors himself. A moderate use of wine for medical purposes was allowed. Drunkards were punished to discourage the use of intoxicants. A'in, I, p. 227; Bada'uni, II, p. 302.

All the successors of Akbar tried morally to reform their subjects. Jahangir himself addicted to wine tried to discourage its use among his subjects by issuing ordinances against it.¹ The public use of bhang and bura was banned.² Restrictions were put on the gambling houses also.³ In deference to the laws of the Shari'at, he exempted his Qadi and Mir 'Adl, prostration in the royal presence.⁴

Shah Jahan, more inclined towards orthodoxy tried to discourage and replace the anti-religious practices prevailing at the court. Soon after his accession, Sajda (prostration was replaced) by saminbas (kissing the ground). Sometimes later even the saminbas was set aside in favour of Chahar Taslim.⁵ (four courtesies). The Saiyids, scholars and pious men were exempted from even this; they were to utter the Islamic salutation As-Salam 'Alaikum (peace be on you) while attending the court and to recite Fatiha at the departure.⁶ Shah Jahan tried to establish the practices of Shari'at by enforcing its code of Amr o Nahi;

1. Tuzuk, p. 4.

2. Tuzuk, p. 12.

3. Ibid., p. 75.

4. Ibid., p. 100; (Abul Fadl says that Akbar did not allow the Saiyids to prostrate themselves before him. Akbarnama, III, pp. 272-3).

5. Lahori, II, pp. 236-37; 'Amal-i-Salih, II, pp. 221-2.

6. Lahori, pp. 111-12; 'Amal-i-Salih, I, p. 264.

canon law punishments were enforced; construction of new temples was banned; drinking and sale of wine and other intoxicants was prohibited. The people were ordered against creating any obstacles in the path of people inclined towards conversion to Islam. Cremation of dead bodies near Muslim grave-yards was stopped.¹

Of all the Mughal Emperors, Aurangzeb made strenuous efforts to approximate his state-laws and his personal life to the laws of Islam. The historians have recorded about Aurangzeb that "from the dawn of his understanding, being fully aware of the (canonical) duties and prohibitions, out of the perfect continence of his passions, never partook of any thing except the canonically sanctioned pleasures."² He made suitable changes in his attire. The royal dress made of silk with gold trimmings was .. given up as it was not in conformity with the Shari'at. Out of respect for Shari'at, Aurangzeb wore no garment declared impure by it (such as garments of unmixed silk yarn).³ He also discontinued the use of gold and silver vessels in the palace.⁴

1. 'Amal-i-Salib, I, pp. 617-18.

2. 'Alamsir Nama, p. 1070; Ma'athir-i-'Alamsiri, p. 626.

3. Mus'taid Khan informs us that on 13th January/80th Sha'ban (in the eleventh year of his reign) Aurangzeb ordered that men should not use in their garments cloth of gold, as the wearing of it was opposed to the Holy Law. Ma'athir-i-'Alamsiri, p. 79.

4. 'Alamsir Nama, p. 1073; Ma'athir-i-'Alamsiri, p. 626.

Aurangzeb further tried to bring his court etiquette and customs in line with Islamic practices. The practice of prostration at the time of royal gift and other occasions was discontinued. The chronicles of Aurangzeb's reign inform us that the prostration and saminbas were replaced by shahar taalin by him. But Lahori has recorded it in the achievements of his patron. So the credit of Aurangzeb was either in continuing the changed practice or enforcing it by a second ordinance. The Arabic lunar Calendar which had been replaced by solar Ilahi era under Akbar was revoked by Aurangzeb. The Hijri Calendar was given precedence even over his own regnal countings.¹

Aurangzeb also introduced some changes in the currency. Uptill the reign of Aurangzeb, on the one side of the coin the Kalima-i-Tauhid (Muslim confession of faith) and the names of the four pious caliphs were inscribed; the other side had the name of the reigning monarch. Aurangzeb forbade the inscription of Kalima.²

1. Khawafi Khan, II, pp. 214-5.

2. Khawafi Khan, II, pp. 77-8.

Sir J.N.Sarkar says that Aurangzeb had claimed the throne as the champion of Islam against the heretical practices and principles of Dara Shikoh. Every departure from the canonical practices was innovation (bid'at) and a mark of heresy, and therefore the special object of his condemnation. History of Aurangzeb, III, p. 81. Aurangzeb's exertion to restore the rules of orthodox Islam in the administration and to bring the lives of people into closer accord with the teachings of Qur'an have been discussed by Sarkar under the heading "Emperor's Islamic Ordinances". The ordinances concerned the following matters:

- a. Suspension of the inscription of Kalima on the coins.
- b. The discontinuation of Nauros festivities.
- c. Appointment of Muhtasibs.
- d. Prohibition of khajur cultivation.
- e. Repair of old mosques and monastries and the appointment of the staff. History of Aurangzeb, III, pp. 81-4.

The celebration of Nauroz festival (the New years Day of the Zoroastrians) was discontinued as it was anti-Islamic.¹ The royal appearance in the iharoka for darshan was stopped in the eleventh year of his reign by Aurangzeb.² The weighing of the monarch on the lunar and solar birth days, started by Akbar also came to an end in this year.³ In 1676 the astrologers were ordered to discontinue the practice of drawing almanacs.⁴ The Indian - both Hindus and Muslims had great faith in astral influence ; so much so that it had proved their undoing on many a critical occasions. Aurangzeb probably realised its baneful influence and tried to put check on the astrologers who made the star study their chief occupation.⁵ It was also anti-Islamic.

The Mughal sovereigns were fond of music and singing. A group of singers and musicians was employed at court to provide

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1. The Muslim sovereigns of India had started the celebration of Nauroz in the imitation of the Persian sovereigns. On this occasion great rejoicing and festivities were held at the court. It came under censorship during Aurangzeb's reign.
 2. Discussing the discontinuation of darshan tradition by Aurangzeb Khawafi Khan says, "Many Hindus were known by the name of darshani, for until they had seen the person of the king at the window, they put not a morsel of food in their mouths. His religious Majesty looked upon this among the forbidden practices, so he left off sitting in the window, and forbade the assembling of the crowd beneath it. "Muntakhab, II, p. 212.
 3. Muntakhab-i-Alamgiri, p. 76. Khawafi Khan, II, p. 214. Exception was made in the case of princes' recovery from illness and weighing was allowed in the belief that as the weighing money was given in charity, it would do good to the princes.
 4. Muntakhab-i-Alamgiri, p. 146; Khawafi Khan, II, p. 215.
 5. Muntakhab-i-Alamgiri, p. 81.

entertainment. In the first few years of his reign, Aurangzeb occasionally listened to their music, but later this pleasant custom was given up by him as he considered it against the Shari'at.¹ He issued orders prohibiting singing and dancing.

The un-Islamic practices which had crept into the Muslim festivals also came under censorship. On the occasion of 'Id, Shab-e-Bir'at and 'ura, the artists use to sell elephants and horses of clay. Aurangzeb put a stop to the clay modelling of living things.² Further he forbade the pilgrimage of women to the shrines of saints. On the occasions of 'ura, nights of full moon and Fridays.³

The public observance of some festivals which threatened the peace and amity of the subjects were stopped. After a serious quarrel between two rival processions on the occasion of Muharram,

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1. 'Alamsir Nama, p. 1072. Khawafi Khan, II, p. 213. Mus'taid Khan writes, "As the Emperor had no liking for pleasure and his devotion to duty left him no time for festivity, he ordered that the chief musician Khushhal Khan, Biseri Khan Ras-bin and other might come to the court, but must not make music. Gradually (music) was entirely forbidden. Ma'athir 70. But the ban on music was not due to Aurangzeb's dislike and indifference towards it. Musta'id Khan informs us that the Emperor had expert knowledge of this art, and liked to listen it with instruments, especially Pakhavaj. But as it is forbidden he discontinued the practice. Ma'athir-e-Alamsir p. 627.
 2. Mir'at, I, p. 262. The two stone elephants placed on the two sides of the Agra fort were removed as they represented living thing. Ma'athir-e-Alamsiri, p. 76.
 3. Mir'at, I, p. 262.

ban was put on such processions.¹ Restrictions were placed on divali illuminations and holi celebration in bazar as the people used foul language and took other peoples wood forcibly or by theft and burnt holi in every chakla and market.²

To safeguard public decency, the procession of prostitute and open plying of their trade was prohibited.³

To make these measures effective Aurangzeb issued orders to his officers and governors to enforce them. The Mir'at-i-Ahmadi contains one such order issued to a provincial governor. The order ran as follows:

"The superintendents of the present and future affairs of the province of Ahmadabad and the great Amirs and officers, Faujdar, Jasirdars, Thana-dars, the officers incharge of Divani

1. Khawafi Khan, II, p.214. Later the practice of making effigy (kaput) was ordered to be stopped in all provinces.
2. Mir'at, I, p. 252. Aurangzeb's order to the Subahdar of Gujarat, (20th Nov.166) is as follows: "In the city and paraganas of Ahmadabad, the Hindus following their superstitious customs light lamps in the night of Divali, and during the days of holi open their mouth in obscene speech and kindle the holi bonfire in chaklas and bazars throwing into the fire the faggots of all people that they can seize by force or theft. It is order^{ed} that in bazars there should be no illumination at divali nobody's faggots should be taken by force or theft and flung into the holi bon fire and no obscene language used." Mir'at I, p.252. Sir J.N.Sarkar commenting on the regulation says, "It was really a police regulation as regards Holi, and act of bigotry only in connection with divali." History of Aurangzeb, III, (note) p. 280.
3. Mir'at, I, p.253. Khawafi Khan informs us that the 'prohibitions were promulgated against intoxicating drinks, against tavern and brothels. Muntakhab, II, p.212.

matters and of imperial affairs, the 'Amils of the Khalas and other dwellers of town and villages and all people of environ, should know that as the king is interested in establishing the rules of religion so he orders that throughout the Empire and in all the Khalas lands no one should take alcoholic drinks and other forbidden things such as wine, bhang and dilkhara that cause damage to the senses and intellect and no one should waste his time in gambling, a sport of good for nothing.

"If a slave or maid of a person has fled away or taken by someone else, the royal officers should bring that slave or maid and restore to the legal master, and they should take nothing in return. These orders should be established and enforced in every town, city, pargana and qasba. No one should try to contradict them as it would mean the contravention of Shari'ah. If any one goes against them that person must be admonished so that others might not do it. If they neglect their duty, they would become abettors of those who disobey and shall be taken to account.¹"

Aurangzeb set for himself quite a difficult task when he launched his Jihad campaign; fortunately he had quite a long reign (50 years) to bring about some moral awakening if not complete change of heart. He himself followed the rules which ^{he} expected his nobles and subjects to emulate. But the achievement

1. Mir'at, I, pp. 260-1.

of Aurangzeb can be estimated only in the light of success which his endeavours met and the results gained. Muhammad Kazim tells us that through the exertions of Aurangzeb the Jahisab had gained such a great success that in the whole Empire no one (be he a mere soldier or a great noble) dare contravene the prohibitory measures.¹ Muta'id Khan supports this statement.² Another author of the period tells us: "The innovators, atheists, heretics who had deviated from the straight path of Islam, infidels, hypocrites and the spiritually indifferent who had spread over India, were chastised and forced to give up their wicked courses, obey the theologians and observe the fast and prayers regularly."³ The author of the Mir'at pays tribute to Aurangzeb for enforcing the laws of the Shari'at and cutting the roots of innovation from the Empire.⁴ *

But the fact remains that these Persian chronicles exaggerate the actual achievements of the Emperor. The incidents of drinking, gambling and other cases of moral laxity prevailed in the Mughal court and Empire, as is clear from the accounts of the various travellers who visited the country in the period. Then the political decay of the Mughal power soon after Aurangzeb was only a sure result of the moral decay of those who wielded authority.

1. 'Alamsir Nasa, pp. 1677-8.

2. Muta'id Khan, p. 630.

3. Nasir-i-Munir, p. 98.

4. Mir'at-i-Ahmedi, I, pp. 249-50.

CHAPTER VI

CONCLUSION

It was a hard task to create an efficient administrative machinery for a vast empire comprising many climes, covering many states and including many races. It was still more difficult to rise above the religious prejudices of the time and evolve a broad-based government policy over-riding all barriers of caste, creed and religion. The Moghal rulers of India faced these difficulties ^{with} courage and confidence and gave to the country an all-India administrative system run by all Indian elements. But this was not achieved in a single day or in a single generation. It cost the Delhi Sultanate the fall of five dynasties at the altar of political experiments.

The Turkish founders of the Delhi Sultanate instituted a policy of toleration and protection towards their subjects. The spirit of toleration was given to them by the religion they professed; but they soon realized that in a country where the majority of people were non-believers it was not possible to rule completely according to the principles and laws of the Shari'at.¹ Barani records with a sad heart that in India the "infidels are honoured, distinguished, favoured and made eminent; the king bestows, drums, banners, ornaments, cloaks

1. Tarikh-i-Firoz Shahi, pp. 70-71.

of brocade and caparisoned horses upon them, and appoint them to the governorships, high posts and offices.¹

The experiments of their predecessors guided the Mughals when they had to face the task of evolving a suitable governmental machinery and a broad based policy for their Empire. Not content with merely a policy of toleration, Akbar took steps to consolidate his power through a policy of "peace with all."² To make it a reality he associated the Rajput princes in his government, contracted marriage alliances with them and removed the Jizyah³ and remitted the pilgrim tax.⁴ To endear himself to his non-Muslim subjects Akbar started celebrating their festivals⁵ and instituted the Darshan practice. With these attempts at bringing the non-Muslims closer to the state Akbar started his endeavours to free the state from the influence of the 'Ulama. Even before Akbar, the Sultans of Delhi had attempted to free the politics from the

1. Fatawa-i-Jahandari, f. 120ab, p.64.

2. Abul Fadi records the adoption of the policy of 'peace with all' in the 24th reign year, i.e. 1580 A.D. Akbar Nama, III, p. 293.

3. Akbar Nama, II, pp. 203-4.

4. Badauni, II, p. 325; Akbar Nama, p. 120.

5. A'in, I, p. 216.

influence of religion with varying success. Akbar started on his campaign against the influence of the 'Ulama in a systematic way and he was ably assisted in the task by Abul Fadl and Faizi. The ~~Sadr-us-Sudur~~ was the highest religious officer in the state and on account of his status was in a position to influence the Emperor. When Akbar took up the full charge of administration, this important post was given to 'Abd-un-Nabi. Akbar gave enough authority, power and prestige, along with his confidence, to the Shaikh and let him abuse the trust reposed in him by taking no action against him on the reports made to him about the mismanagement of affairs by the Shaikh. Probably Akbar was giving him rope enough to swing himself and he was justified.

The discussions in the 'Ibadat Khana (constructed in 1576) instead of creating harmony among the 'Ulama accentuated their bickerings. It was but natural that the discussions, or rather the battle of wits, among the 'Ulama should culminate in ~~Mahdar~~ (A.D. 1579). Akbar had become tired of the wranglings of the 'Ulama and their interference in politics. Shaikh Mubarak tried to encourage Akbar in terminating the influence of this class when he remarked: "You are the ~~Mutahid~~ and Imam of your age. What need have you of this group who have no scholarship except a false fame in the diffusion of religious commands and affairs of the State."¹

1. Bada'uni, III, p. 83.

After the execution of the Mathura Brahmin, the Hindu nobles tried to impress the same point on Akbar's mind when they pointed^{out} that the 'Ulama had become so arrogant that they cared not for his opinion and murdered people to show their power and glory.¹ The Mahdar of 1579 A.D. checked the unbridled ambition of the 'Ulama and put an end to their claim to guide the Sultan, by giving the latter an option to accept the opinion of one side in case of controversy among the Mutahids. Further, the document gave Akbar the power of issuing orders on his own initiative for the benefit of the nation (though the condition was put that it should not be against Hag-implicit injunctions of the Qur'an) which would be binding on all.² This clause took from the 'Ulama the power of checking the Sultan as they would stand self-convinced by being the signatories of the Mahdar.

As the Mahdar was signed by Shaikh 'Abd-un-Nabi, the chief Sadr, Qadi Jalal Uddin, the Chief Qadi,³ Maulana

1. Bada'uni, III, p. 83.

2. Bada'uni, II, p. 270; Tahqiqat, II, p.

3. Bada'uni informs us that some of the people had to sign it against their wishes. Probably 'Abd-un-Nabi and Qadi Jalal Uddin Multani (who was later, banished to the Deccan) were among those who signed it unwillingly for Shaikh Imbarak was the main person who engineered the plot to rid Akbar from the bondage of the 'Ulama and signed the document voluntarily and whole heartedly. Badauni, II, p. 272.

'Abdullah Sultanpuri, Shaikh Mubarak and other scholars, no need remained of those influential persons amongst them at court who were unable to cede their authority with good grace. Shaikh 'Abd-un-Nabi was promptly shipped to Mecca in company with the Mahdum-ul-Mulk. After the removal of the Shaikh the appointment of the regional Sadr was easy to avoid the unpleasant necessity of having any more influential Sadr. Besides the Judicial powers were never enjoyed by any Sadr after Shaikh 'Abd-un-Nabi. The only authority which remained with the Sadr was in connection with his duties as a charity officer but even in that context Akbar drastically reduced it. It is correct that he continued to appoint religious officers and judiciary staff on his seal but actual appointments were made by Emperor's orders.

Akbar's successors never reversed his policy as far as the question of the influence of the 'Ulama and religion on the politics of the day was concerned. Aurangzeb, who is praised most for his orthodoxy and during whose reign the Qadis had come to wield great influence, never became a puppet in the hands of the 'Ulama. Contrarily his reign started by the removal of the then Qadi-ul-Qudat (who had opposed his accession on the ground of illegality) and the appointment of a more convenient and obliging Qadi.¹ That this policy of

1. Mir'atai-Ahmedi, p. 248; Tavernier, I, p. 284.

keeping the Mughals off the political field was continued throughout his reign by Aurangzeb is borne out by the fact that the efforts of Shaikh-ul-Islam, the Chief Qadi, to make his patron change his policy towards Golconda prove abortive and Qadi 'Abdulla failed in dissuading Aurangzeb from treating the Bijapur prisoners in a manner quite against Shari'at.¹

By making the Qada independent of the Sadarat, the need of having an all powerful Sadr was gone. In the provinces the attendance of the Qadi on the governor considerably lessened the importance of this judicial officer. Further, by dividing the judicial work among a number of executive officers like Subahdar, Kanidar etc. the Mughals not only reduced his jurisdiction but also curtailed his authority. This reduction of Qadi's power and creation of checks on his authority was in consonance with the Mughal policy of preventing concentration of too much power in the hands of any one officer.

In an age when their European counterparts were imposing the principle that the religion of the ruler was the religion of his subjects, the Mughal sovereigns proved really enlightened and gave their subjects freedom of conscience and religion. It was a matter of great surprise to the foreign

1. Mughal-i-Haidarabad, ff. 14b-16a.

travellers of India that in Mughal kingdom the followers of various religion not only enjoyed freedom of worship¹ but also state benefices. Born and brought up in an atmosphere of bigotry, persecution and religious inquisition, they knew not how to interpret and explain it.

Freedom of faith and worship could be due to the indifference of the ruler towards their subjects; but this was not the case with the Mughals. They took active interest in the religious affairs of their subjects, endowed their places of worship and granted help to their leaders. Religion was made no bar to the acquisition of state help by any person.

In matters of justice no special treatment was meted out to the Muslims, for before law all were equal.² Besides, in local areas justice was administered by the age old panchayats according to prevalent customs which were respected

1. Manserrate, p.47; Bernier, p. 308.

2. Toleration, consideration for their subjects and impartiality in matter of justice which were the main achievements of the Mughals were expressed in the famous Khutba delivered by Akbar on June 25, 1579 the address was composed by Faizi.

خداوند که مرا خسروی داد * دل دانا و مخلصی قوی داد
بمدل داد مرا رحمتی کرد * بهر عدل از خیال مایهون کرد

by the rulers and were never interfered with by the executive authorities. The personal law of the Hindus was recognized by the state and applied in their cases. In fact it was administered by the Pandits. The criminal law and the state rules and regulations were applied both to the Muslims and non-Muslims alike. When the foreign traders came to India and settled here it was ordered that disputes among them were to be decided by their president, but the disputes between the English and any Muslim and Hindu were to be settled by native authorities, with justice.¹

The interest and concern of the Mughal rulers for their subjects was neither ephemeral nor born of selfish motives. That they were really desirous of improving their condition is borne out by their social reforms, and the opposition that they gladly withstood in their implementation. In fact their aims were neither material nor sordid, as some historians would have us believe. The attempt to put down gambling and drinking on the part of the Mughal sovereigns, is an indication of their concern to improve the moral tone of society. The discouragement of child-marriage, ordinance against burning the Hindu widows if the marriage was not

1. The English Factories in India (1618-21), p. 39.

of children and consummated, order forbidding the castration/the attempt to control and obliterate prostitution were good measures indicating the interest of the sovereigns in the well-being of their subjects. The Mughals introduced these reforms not for any favoured section of the society; most of their laws in this respect were applicable to all, in certain cases they sought to remove the abuses which had crept in some particular religion and in that case the laws were applied to its followers.

But one of the greatest achievement and natural consequence of their policy of good will and peace towards all sections of the people was the association of Hindus in the administration of the country. The practice of appointing Hindus to such high posts as the headship of revenue ministry, the governorship of the provinces, the command of important military expeditions was started by Akbar and was followed faithfully by his successors. Even under Aurangzeb, who is accused of an anti-Hindu attitude, some of the highest offices were held by Hindus.¹ The Mughals created an effective administrative machinery to govern the vast Empire which they had carved out by their own efforts and imbued their own enthusiasm in their officers. Their intentions and aims were good and

1. The Mughal Nobility under Aurangzeb, p. 31.

the policy adopted to achieve them was commendable. It was a great good fortune of the house of Babur that it was blessed with such talented sovereigns as Akbar, Jahangir, Shah Jahan and Aurangzeb who not only possessed good administrative sense but enjoyed long span of life in which they consolidated their Empire. If in the early days of Empire, Akbar would have been succeeded by a sovereign of little merit, the chances of the continuation of the dynasty would have gone inspite of the good administrative achievements of Akbar, for the main defect of the monarchy is that it flourishes on the strength and personality of the sovereign.

Now the question arises as to what was the nature and character of the Mughal government. Some modern writers call it an Islamic state, nay even a theocracy.¹ While making the statement the historians fail to consider the question that how an illegal institution - monarchy - can be Islamic? A state which drafted its own rules of government and neglected

1. Sir J.M.Sarker starting with the assumption that "By the theory of its origin the Muslim States is a theocracy", comes to the conclusion that Mughal government was theocratic. History of Aurangzeb, III, p.248 et. seq. Sri Ram Sharma emphatically denies that Mughal government was theocratic in character, (Sharma, p. 151-2, Mughal Government and Administration, p. 15), and he is right, for the government in India was the out-come of the blending of the Islamic, Persian, Indian and Turkish political theories.

the Islamic principles can never be anything but secular.¹
To regard any medieval government headed by a Muslim ruler as a theocracy is far from the mark, for theocracy presupposes the subordination of State to the church and the existence of an ordained clergy with pope as its infallible head. Islam neither has any such priesthood nor does it recognise any human being as infallible. Hence the absurdity of the statement that the Mughal government was a theocracy.

Some modern scholars have called the Mughal government a 'military rule', and a centralised despotism.² But it is a prejudiced view based on the misinterpretation of the facts and the available data. No one conversant with the facts of history could consciously make the assertion that a military rule or centralised government could last more than a few years far less a couple of centuries. Excluding the reigns

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1. Prof. M. Mujeeb does not seem to consider the Mughal state as secular. He remarks : "Akbar would have found no support whatsoever if he had attempted to establish a secular state based on the equality of all religions, and until the state became secular there was no alternative to orthodoxy. But as a Muslim, as a ruler and as an Indian he looked deeply into the nature of religious and social problems and indicated, even if he could not fulfil, the demands of absolute justice." The Indian Muslim, M. Mujeeb, p. 246.
 2. Mughal Administration, p. 4. The modern writers come to wrong conclusion about the nature of the Mughal government as they make the mistake of drawing the comparison between the Mughal government, which essentially belonged to the medieval period, and the modern system of government. History of Shah Jahan of Delhi, pp. 270-2.

of the weak successors of Aurangzeb, the Mughal Empire continued in a flourishing state for nearly 200 years.

The Mughal state, in the opinion of Sri Ram Sharma "was a despotism of a limited nature where the rulers generally claimed to act as the agents of Islam the exact demands of which they felt themselves free to decide. It was a despotism that left a very wide margin to its citizens' choice, in theory as well as in practice.¹" It is correct that the Mughal rulers, from Jahangir to Aurangzeb, constantly asserted their devotion to Islam and expressed their wish that the cases involving some point of religion be decided according to the canon law, but we have already seen that they found it difficult to act on this pious wish. Dr. Beni Prasad suggests that the Mughal government was essentially cultural and "its general policy was in accord with the wishes and sentiments of the people."² Dr. Saxena accepts the appellation "enlightened Despotism" for the Mughal government as it secured conditions in which peaceful life was possible.³

That the oriental monarchies were despotic in nature, and depended for their very existence on the personality of

1. Sharma, p. 184.

2. History of Jahangir, p. 82.

3. History of Shahjahan of Delhi, p. 271.

the ruler cannot be denied. But despotism can be of various kinds, as has been proved again and again by history. A monarchy without any representative institutions could be a despotism of very worst kind and the subjects could never suffer it to exist for long. But Mughal rule, inspite of its despotic nature, continued to exist for such a long period is a proof of the fact that it was not only bearable to its subjects but that it was staunchly supported by them; and the government which enjoyed the support and good will of the majority of its subjects could not be anything but enlightened and benevolent. Dr. Beni Prasad is right when he remarks, "If we resolutely refuse to be deceived by appearance we shall perceive that the principles of monarchy, aristocracy and democracy are independent of governmental form; that they can be found at work in institutions of any class, and that more often than not, they are found mixed together. The Mughal Empire knew nothing of active assemblies and constitutional rights, but it had this much of the democratic element in it that its general policy was in accord with the wishes and sentiments of the people.¹" The Mughal state was neither theocratic nor a military rule is amply established not only by the spirit of their governmental policy but also by their constant efforts for the well being of their subjects.

1. History of Jahangir, p. 88.

The benevolent nature of the Mughal government and its broad-based policy influenced also the so called religious and quasi-religious institutions. In the early days of Islam when the three institutions - Sadarat, Sada and Ihtisab - were in an evolutionary stage, they performed functions of a religious nature; but their character was never completely religious is borne out by the list of duties performed by each of them. In the beginning they were semi or quasi religious. The process of evolution through which all Islamic institutions social, political and religious -- underwent affected the nature of the institutions concerned also. In the early Muslim states it was easy to preserve their original character, but when the Islamic principles and laws lost their hold in Muslim states these institutions could not be preserved and maintained with their original aims intact. Change became inevitable. In accordance with circumstances different changes crept in them in various Muslim states. The Delhi Sultans only made some necessary modification in them. But it was Akbar who took up these institutions and moulded them in accordance with his general state policy and harmonised them with other administrative departments of his government. In a case of the Sadarat the harmony was so great that it came to be considered as a part of the Diwani. Transfers of the officers to and from Sadarat to other state departments became common. Judicial responsibilities of such administrative staff as

the Subahdar, Dewan etc. bridged the gulf between the executive and the judiciary. The application of the state laws in judicial matters relegated to the Islamic laws a secondary position. By entrusting to the Kotwal some of the duties performed by the Mukhtasib, the Mughals tried to lessen the significance of the Qazi. The Mukhtasib, who was entrusted from the beginning, duties of a secular and religious nature both continued to work in his dual capacity under the Mughals.

The efforts of Akbar and his successors were directed towards establishing a secular government. The result of their endeavours was that the institutions, which at one time were religious or quasi religious in nature, lost the religious stigma and became harmonious with other administrative institutions.

A P P E N D I X A

ON SOURCES

The sources utilised in the preparation of this work may be considered under the following heads:

1. Contemporary and semi-contemporary historical works.
2. News Letters.
3. Epistolary Literature.
4. Dastur-ul-'Amals.
5. Documents.
6. Accounts of Foreign travellers.
7. Biographies.

CONTEMPORARY HISTORICAL WORKS:

The contemporary historical works may be divided into two categories: (a) sponsored by the state and written under the court patronage; (b) written by state officials and others in their private capacity.

The Mughals were very much interested in having the activities of their respective reigns chronicled. For this purpose they appointed court historians. The official historians had access to the records kept by the state and were so closely associated with the court that it was not difficult for them to ascertain the full details of every incident and its reaction on different people and sections of society.

Abul Fadl's Akbar Nama is the first official history of the Indian Mughals. Abul Fadl, by the happy combination of the Arabic and Persian methods of history writing, evolved a method in which the Emperor was the central figure but the people had also come in a share of their own. That is why the Akbar Nama and the A'in-i-Akbari tell us nearly all we want to know about the history and political institutions of Akbar's reign. The fact is that due to his erudition and close touch with all aspects of administration Abul Fadl was eminently fitted for the task which was entrusted to him. The system of writing chronologically helps us in forming definite idea of the gradual reforms introduced in all institutions including the Sadarat, the events leading to these changes, their gradual evolution and the results achieved.

The language of Abul Fadl is ornate and style rhetoric and unfitted to his subject. Though his phraseology and diction is difficult but in the words of Ibn Hasan "when set phrases and expressions frequently occur their significance become clear and the difficulty disappears." The Akbar Nama proved the ideal for the later historians, who tried to imitate the style; but their works lack those details about the administrative institutions which make the Akbar Nama so precious a source of medieval Indian History.

Jahangir, possessing literary talent in abundance, have recorded the events and memoirs of his reign, in the

Tuzuk-i-Jahangiri. During the later part of his reign Jahangir was be-set by anxieties, so in the sixteenth year of his reign he entrusted the task of recording his memoirs to Mu'tamad Khan Bakshi. This work continued under the supervision of Jahangir upto the nineteenth year. Later Mu'tamad Khan continued it in his own name as part of his independent work, the Icbal Nama. Jahangir's work was completed by Maulvi Muhammad Hadi. The memoirs give the complete account of wars, the motives underlying them, the part of the Mughal generals, their lack of harmony etc. Besides indirect reference to the administrative institutions is found in the desire of the Emperor to follow his father's precedence in matters of government. The value of the work lies not only in the opinions expressed therein about the ministers and officers of state, but also in the anxiety of the Emperor concerning personal supervision of justice and charity grants; which give us the idea about the working of judiciary and the institution of the Sadarat.

Interested in having the annals of his reign recorded for the perusal of the posterity, Shah Jahan appointed several persons for the task, successively. Mirza Aminai Qasvini chronicled the events of the first ten years of Shah Jahan's reign; but he tells us very little about the administration of the period.

'Abdul Hamid Lahori was the third court historian. In his Badaish Nama, the events of twenty years of Shah Jahan's

reign have been recorded. For the first ten years he has utilised the material available in Qasvini's Badshah Nama. A good scholar and historian, Lahori gives information about the daily routine of the Emperor and the administrative institutions in working. Judicial and Sadarat officials with their respective roles in the administration are mentioned. Lahori completed his task on November, 1648 and died on Aug. 30, 1664. The record of Shah Jahan was completed by Muhammad Waris.

Following the tradition of his predecessors, Aurangzeb appointed Muhammad Kazim to chronicle the events of his reign. But in the tenth year the office of the court historian was abolished and Aurangzeb forbade the writing of history of his reign. The reason of this prohibition is given by Saqi Mustaid Khan. "This monarch of external and internal universe", says he "preferred laying the foundations of things esoteric to displaying things external." But in the words of late Dr. Sarkar, "what really happened was that, when (about 1670) the history of the ten years was completed, Aurangzeb curtailed his state expenditure and closed the costly department of prolix official annals."

Whatever the reason, we have the court record of ten years of Aurangzeb's reign. The 'Alamsir Nama' of Muhammad Kazim does not provide as much knowledge as it is bulky. Aurangzeb's character and his personal supervision of administration tells us much about the judicial machinery of the

period. Some interesting details of the dispensation of the justice by Emperor and his organisation of Intisab has been provided by Muhammad Kazim.

These chronicles have all the merits and demerits found in the court histories. Having access to the state papers, news letters and contact with state officials, the chroniclers stocked their work with informations and details; but being the paid servants they could not write frankly; incidents detrimental to the dignity of their royal patrons find rare mention in them. So abounding in details, correct in information, full of verbosity and exaggerated praises of their sovereign, these chronicles lack the spontaneity of unbiased and impartial histories.

The court chronicles are substantiated and supplemented by individual histories. For the reign of Akbar we have the Tabaqat-i-Akbari of Nizam Uddin Bakhshi, and the Muntakhab-ut-Tawarikh of Abdul Qadir Bada'uni. Both these historians held positions of importance at court and were personally connected and intimately acquainted with the events they have recorded. The account of Nizam Uddin is prosaic and devoid of much interest as he merely records the events. He rarely criticises or comments on them. For the institutions discussed in this dissertation, the Muntakhab of Bada'uni proved invaluable. ✓

We find a very strange conflict in the work of Bada'uni. As a royal servant, he is desirous of continuing in Akbar's

service, but as an orthodox conservative Muslim he severely disapproves of Akbar's religious views. But he is a fair and impartial critic and does not abstain his tongue from criticising the 'Ulama (to which class he himself belonged) when he sees their worldly ambitions and arrogance. Himself a holder of Madad-i-Ma'ash grant, Dada'uni enlightens us on the working of the Sadarat, the abuses existing therein, the reforms introduced by Akbar and the plight of the Ainadars, in great detail.

The Akbar Nama of Faidi Sirhindi, written under Jahangir provides us interesting information about the Madad-i-Ma'ash grants under Akbar.

For the reign of Jahangir, we have ^{the} Jahar Nama-i-Jahangir of Mu'tamad Khan Bakhshi, Ma'athir-i-Jahangiri of Kamgar Husaini, and Ma'athir-i-Bahimi (3 vols.) of 'Abdul Baqi Nihavandi. But neither these books nor Mu'issaz-i-Jahangiri of Muhammad Baqar provide much information for our purpose. The Zubdat-ut-Tawarikh of Nur-ul-Haq also comes into this category and ^{it} throws some light on Akbar's religious views and policy. The Intikhab-i-Jahangir Shahi (anonymous) written probably in the 18th century provides us fragmentary information about Jahangir's generosity in matters of grants.

Muhammad Salih Kanboh wrote a complete history of Shah Jahan's reign under the title of 'Amal-i-Salih.

Employed in the imperial records department, the author had ample opportunity to gain first hand information. But unfortunately he based his account on the existing histories of Shah Jahan's reign, and used very little independent judgement. Except piece meal references to the administrative institutions of the day, Muhammad Salih does not give detailed and connected information. But like Lahori, Muhammad Salih has provided some biographical notes about contemporary scholars and poets which are important.

The Ma'athir-i-'Alamgiri of Muhammad Musta'id Khan was written during the reign of Shah 'Alam Bahadur Badshah Ghazi, at the order of 'Inayat Ullah Khan, the chief of the Wazir's Diwan. The incidents of the first ten years of Aurangzeb's reign have been summed up from the 'Alamgir Nama. In judging the work we must keep in mind that though not a court chronicle it was written by a person, "who considered it his duty to be true to the salt of the virtuous Emperor" (Aurangzeb) whom he had served. And he had recorded what he himself had seen, and what he had learnt on inquiry from trusty friends who had borne office during that reign. So this book is as biased as any court chronicle. Though brief, the book provides valuable and interesting information about state/^{officers} and institutions, especially judiciary. The Waqiat-i-'Alamgiri of 'Aqil Khan Razi is brief history of the /^{early years} of 'Alamgir's reign and provides very little relevant information.

The Mirat-i-Ahmadi of Mirza Muhammad Hasan afterwards known as 'Ali Muhammad Khan (the last of the Imperial Divans of Gujarat) was written in 1170 A.H./1756 A.D. In the Provincial histories, the Mir'at-i-Ahmadi is unique. Discussing the reason for the compilation of the work, the author writes: i

"When in 1137 A.H. Shuja'at Khan, the deputy of Mubarak Khan, (the provincial governor) was slain by Hamid Khan, the later made haste to appropriate the crown lands and arrears of revenue and took away the volumes of official records for many years past; thus the Divan of Subah remained with nothing to do. After him the other Nazims also seized the country in the same way and did not leave ^{it} in the hands of the Divans. Now only the name is left to the Divan of Gujarat, and the mere shadow of his power. The revenue officers - starving through long arrears of salary, were dispersed. When it came to the author's turn to receive the name of the Divan of the Subah, he searched for the records, and found them existing in name only (1161 A.H. By hard and unceasing exertion, he collected information from various cities and parganas aided by Mithal Lal Kayeth, the hereditary Subah Navis of the province. But in a year and half the latter too died."

The importance of the work lies in the fact that the author has incorporated verbatim a very large number of official letters and orders of the imperial government, e.g., Farmans, Parwanas and Dastur-ul-'Amals.

The narrative history is supplemented by a separate volume giving a very detailed topographical description of the province, the lives of its saints, account of the official class, their salaries and duties, and the administrative system ⁱⁱ in general. In a foreward to the Mir'at-i-Ahmadi, Sir Jadu Nath Sarkar says "...the Mir'at-i-Ahmadi is the only work of the class after Abul Fadl's justly famous A'in-i-Akbari, as a source of accurate information of diverse kinds relating to the Mughal Empire."

NEWS LETTERS

The Nagari Navis, (news writers) who were an integral part of the Mughal administration, were responsible for transmitting news from the provinces to the central government. Under Akbar fourteen Nagari Navis were employed at court and two of them daily attended the court to record in their diaries whatever the Emperor did and said and whatever was brought to his notices by the heads of the departments. Every province had its own Nagari Navis. The provincial Nagari Navis appointed his representatives in all the offices in his jurisdiction, and the extracts from their reports were included in his own report forwarded to the Darogha of the Dak Chauki who handed them to the Mir Bakhshi for submission to the Emperor. Another class of officials were Syanib Nisar who made direct contact with the Emperor. Through these news writers the Emperors kept themselves posted about the various parts of their Empire. Some

of the news-letters of the period concerned have come down to us and throw light on the actual working of the administrative machinery. I have utilised the following collections of the same:

Selected Waqai' of the Deccan (1660-1671):

Published by Central Records Office Hyderabad (1963) the volume comprises the reports in persian with their translation. They ^{are} related to the early period of Aurangzeb's reign and emanate from Hyderabad, Aurangabad, Daulatabad, Ramgir, Berar and Baglana. Valuable for the Mughal Relations with the Deccan states, the reports enlighten us on some aspects of administration also.

Waqai Sarkar Ajmer Ranthumbhor (A.D. 1678-80):

Some of the reports included in this collection throw a very welcome light on the working of Ihtisab under Aurangzeb.

EPISTOLARY LITERATURE

Collections of letters of different officials and persons, available are an important source of history.

Ruq'at-Abul Fadl.

One of the letters addressed to Shaikh Mubarak, his own father, tells us about Abul Fadl's interest in the welfare of those who had retired from the world. Incidentally it throws light on the grants made to the people of different cities at

the representation of Abul Fadl. Another letter, addressed to 'Abdullah Sultanpuri is also important in the same context.

Maktubat-i-Imam Rabbani:

Collection of letters of Ahmad Sirhindi better known as Mujaddid Alf-i-Thani, written to some courtiers of Jahangir and other persons (3 vols.) contains some letters to our interest. Two letters addressed to Miran Sadr Jahan and one to Saiyid Ahmad Qadiri, the Sadrs of Jahangir are of some value for the purpose of this dissertation.

Raq'at-i-'Alamsiri (Kalimat-i-Tayyabat); Raq'at-i-'Alamsiri (Ms. Raqa'im Karaim):

Comprising of the letters written by Aurangzeb, both these collections not only testify to the scholarly merit of the writer but give his views on some aspects of administration.

DASTUR-UL-'AMALS:

The A'in-i-Akbari of Abul Fadl, in fact the third volume of Akbar Nama, but just the same an independent work, is the first book which laid down the rules and regulations for different officials, departments and their working. Full of difficult phraseology and rhetoric, the A'in is a mine of information which are not available from any source. For understanding the administrative details of the Mughal government we have to turn again and again to this book. Providing no information about Ihtisab, the A'in is a work of outstanding value as for the working of the Sadarat and the judiciary.

The later Dastur-ul-'Amals (mostly written under Shah Jahan and Aurangzeb) while dispensing with the details of the A'in record only essential matters. The Dastur-ul-'Amal-i-Shah Jahani, Dastur-ul-'Amal-i-'Alamgiri, Dastur-ul-'Amal-i-Mumalik Mahrusa-i-'Alamgir, Khulasat-us-Siyas, Diwan Rasad and Dawabit-i-'Alamgiri though very important for a student of administrative structure of the period, are of little value for the religious institutions. They do not even refer to the three departments of our interest/^{But} Hidayat-ul-Qawa'id of Hidayat Ullah Bihari is very valuable for our purpose and provides important information about the subject.

DOCUMENTS

The available documents of the Mughal reigns include Farmans, Parwanas, Sanads, Nishans, Dastaks (certificates), Memorandums, judicial verdicts etc. The significance of this source material cannot be exaggerated enough for any aspect of administration. The modern trend in history writing includes the extensive use of the contemporary documents. Several collections of these documents have been published. Isolated documents have been published in local histories and journals. But still a large part of these collection is found in differen^{and} libraries, museums, individual collections/in different archives of India. The collection utilised are as follows:

Selected Documents of Shah Jahan's Reign

Selected Documents of Aurangzeb's Reign

Some Farmans, Sanads and Farwans (1578-1802)

Imperial Farman (A.D. 1577-1805) granted to the ancestors of the Tikyat Maharaj.

Nigar Nama-i-Munshi of Malikzada contains letters and administrative documents of great value.

Parsees at the Court of Akbar, by Modi, contain some documents of grant to a Parsi priest by Akbar which are of great value.

A Farman of Jahangir, by Modi describes a grant order of Jahangir in great detail.

The unpublished documents utilised include:

Documents in the Central Records Office (U.P., Allahabad) arranged in two series: (i) Accessioned in the accession Register of the U.P. Regional Records Survey Committee, till March 31, 1968; (ii) Accessioned in the Register of the Committee, from April 1, 1968.

These documents are of various kinds, including land grants, Judgements and other business transactions. The documents used by me mostly concern of land grants, and they are as follows:

Series 1: 1,3,4,5,6,8,9,11,24,47,55,61,164,165,168,169,160, 161,162,163,164,165,166,169,170,176,178.

Series 2: 63,66 & 284

These documents were brought to my notice by

Dr. Irfan Habib, and I am greatly indebted to him.

Akbar's Farman, dated 983 A.H. (Transcript) Research Library Department of History, A.M.U. Aligarh.

Akbar's Farman dated 979 A.H. (Original), Azad Library, A.M.U. Munsha'at-i-Namkin of Abul Qasim Namkin, is a collection of appointment letters to some of the important positions in the Empire. The collection made during the reign of Jahangir, contains letters of appointment belonging to the reign of Akbar. It is very important for the purpose of this dissertation, as the appointment letters of the officers of Judiciary and Ihtisab are included in it. I am grateful to Mr. Iqtidar Alam Khan for bringing this collection to my notice.

ACCOUNTS OF FOREIGN TRAVELLERS

Some of the Foreigners who visited India (either in some business capacity or on their own) have left records of their so-journ in this country of many charms. Some of them have left detailed accounts of social life and institutions and political structure of the Mughal state. But their works suffer from the shortcoming common in this sort of literature, i.e. most of their accounts are based on hearsay and rumours, and they lack the understanding of the institutions alien to them. Sympathetic approach is absent; and the praise is never unalloyed. The accounts of Monserrate, De Laet, Thevenot Creri, Tavernier, Della Vale and Bernier have been utilised for this dissertation, but no conclusion is based on their records. The information from the foreign records have been used to substantiate some conclusions already reached, or/ some general observations of theirs have been included.

BIOGRAPHIES

The works dealing with the lives of state officers, individual persons, 'Ulama and Masha'ikh sometimes provide information of great historical value. Some literature of this category was written during the Mughal period, but not enough to provide us information of all those persons about whom we would like to know. The biographies utilised by me are as follows:

The Akbar-ul-Akhyar of Shaikh 'Abdul Haq Muhaddith Dehlavi, a work on the lives of saints, provides incidental information about the religious views of Akbar, and about Shaikh Qadai and Shaikh 'Abd-ur-Rabi.

Dakhirat-ul-Khawarizm compiled in the reign of Shah Jahan by Shaikh Farid, son of Shaikh Ma'ruf, Sadr of Shahjahanpur, comprises the life sketches of the nobles of Akbar and Jahangir. Shaikh Farid has also given information about the Judicial and the Sadarat officials of these two reigns.

The Ma'athir-ul-Umara a bulky work in three volumes was written by Samsam-ud-Daula Shah Nawaz Khan, and comprises Biographies of the nobles, but contains no references to original sources.

Ma'athir-ul-Karam (2 vols.) compiled by Sayid Ghulam 'Ali Azad Bilgrami, mostly deals with the lives of poets, but incidentally provides some information of our interest.

Beside these works, the third volume of Muntakhab of Bada'uni, and of the Tabakat of Nizam Uddin give brief notes on the lives of saints, men of letters and nobles. The third volume of Ma'athir-i-Rahimi give us sketches of poets and scholars attached to the retinue of Mirza 'Abdur Rahim. The court chronicles have also brief jottings about important nobles, scholars and poets. All these works combined together have provide important information about people connected with the religious departments.

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